City of Miami Beach - City Commission Meeting Commission Chambers, 3rd Floor, City Hall 1700 Convention Center Drive December 10, 2003

Mayor David Dermer Vice-Mayor Jose Smith Commissioner Matti Herrera Bower Commissioner Simon Cruz Commissioner Luis R. Garcia, Jr. Commissioner Saul Gross Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez City Attorney Murray H. Dubbin City Clerk Robert E. Parcher

Visit us on the Internet at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports

C4 Commission Committee Assignments

C6 Commission Committee Reports

C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports

R5 Ordinances

R6 Commission Committee Reports

R7 Resolutions

R9 New Business and Commission Requests

R10 City Attorney Reports

Reports and Informational Items

PA - Presentations and Awards

- PA1 Certificate Of Appreciation To Be Presented To The Parks And Recreation Department, For Receiving The National Accreditation From The Commission On Accreditation Of Park And Recreation Agencies (CAPRA). (Page 2)

 (City Manager's Office)
- PA2 Certificates Of Appreciation, "At Your Service" Employee Of The Month Award For October And November 2003.

 (City Manager's Office)
- PA3 Certificates Of Appreciation To Be Presented To Rescuers In The Ring Charity Boxers. (Requested by Mayor David Dermer)

CONSENT AGENDA

Action: Moved: Seconded: Vote:

C2 - Competitive Bid Reports

C2A Request For Approval To Issue A Purchase Order To Prison Rehabilitative Industries And Diversified Enterprises, Inc. (Pride, Inc.) For The Purchase Of One (1) 2004 Freightliner Swat Van. In The Amount Of \$88,775.02. (Page 5)

(Fleet Management)

C4 - Commission Committee Assignments

C4A Referral Of The Beatles Mandala Proposal For A Work Of Public Art To Be Commissioned, As Recommended By The Art In Public Places Committee To The Community Affairs Committee. (Page 9)

(Tourism & Cultural Development)

C6 - Commission Committee Reports

- Report Of The Finance And Citywide Projects Committee Meeting Of November 20, 2003: 1) C6A Discussion Of The Requests By Miami-Dade County For The City Of Miami Beach Commission, As The Governing Body Of The Redevelopment Agency, In Its Sole Discretion, To: A) Exempt The Children's Trust, An Independent Taxing District, From Contributing Its Ad Valorem Tax Levy To The City's Redevelopment Trust; And B) Impose A 1-1/2 Percent Administrative Fee On The Redevelopment Agency's Proposed FY 2003/04 Budget; 2) Update Regarding Penrod Brothers, Inc. Request For A Referendum Regarding Their Lease Agreement For The City Owned Property Located At One Ocean Drive; 3) Financial Update On Mount Sinai Medical Center And Discussion On Upcoming Proposed Bonds To Be Issued Through Health Facilities Authority; 4) A Discussion On The ADA And Public Interior Design Enhancement Renovations For The Jackie Gleason Theater Of The Performing Arts (TOPA); 5) A Discussion On The Status Of The Normandy Shores Golf Course; 6) The Establishment Of A Dedicated Source Of Funding For Our Cultural Arts Council; And 7) Review And Discussion, The Proposed Concession Agreements With Market Company, Inc., For The Lincoln Road Green Market, The Espanola Way Market And The Normandy Village Market. (Page 14)
- Report Of The Neighborhoods Committee Meeting Of November 24, 2003: 1) Discussion Regarding The Revised Guidelines For The City Of Miami Beach Multi-Family Housing Rehabilitation Program;
 Review The City's And MBCDC's Policy Regarding Acquiring Buildings In Better Shape And Provide More Affordable Housing; And 3) A Discussion Regarding \$309,469 In HOME Programs Towards The Cost Of Rehabilitation Of 530 Meridian Avenue. (Page 22)
- C6C Report Of The General Obligation Bond Oversight Committee Meeting Of December 1, 2003: 1) Change Order Report; 2) Presentation: A) South Pointe Community Center; 3) Recommendation To City Commission: A) Bayshore Neighborhood A/E Amendment For Design, Bid, Award And Construction Administration; B) Award A/E Agreement For Botanical Garden; C) Fire Station #2 Project Status Report And Recommendation To Either Award Or Reject Fire Station #2 Construction Contract; 4) Project Status Report: A) Fire Station #4; B) Normandy Isle Park And Pool; C) Indian Creek Greenway; D) North Shore Open Space Park; 5) Informational Items: A) Updated Calendar Of Scheduled Community Meetings. (Page 28)

C7 - Resolutions

C7A A Resolution Authorizing The City Manager Or His Designee To Resubmit Grant Applications For The Following Funds: 1) Department Of Environmental Protection For Fiscal Year 2004-05 House Bill 851 Water Project Funding; 2) Florida Department Of Transportation, For Highway Beautification Funding For Alton Road; While Leveraging Previously Appropriated City Funds As Needed; Further Appropriating The Grants If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To These Applications. (Page 39) (Grants Management)

C7 - Resolutions (Continued)

C7B A Resolution Authorizing The Execution Of An Agreement With EDAW, In The Not To Exceed Amount Of \$86,000 For The Provision Of Planning Services For The Miami Beach Botanical Garden Improvement Project With Funding Provided By The Series 2000 General Obligation Bond. (Page 44)

(Capital Improvement Projects)

- C7C Appointment Of Chief Special Master. (Page 59)
 - 1. A Resolution Accepting The Recommendation Of The Miami Beach City Manager Concerning Appointment Of Judge Robert Newman To Serve As Chief Special Master, Commencing January 1, 2004, And Ending June 30, 2004, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of City Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; Incorporating All Other Matters Set Forth Within City Of Miami Beach Resolution No. 98- 22777 Concerning The Compensation And Duties Of The Chief Special Master.
 - 2. A Resolution Accepting The Recommendation Of The City Manager Concerning The Appointment Of Judge Robert Newman To Serve As Chief Special Master Commencing January 1, 2004, And Ending June 30, 2004, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Administrative Hearings Regarding Appeals From Citations For Violations Of Miami Beach City Code Chapters And Regarding Denials, Suspensions, And Revocations Of Occupational Licenses And Certificates Of Use, And To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct Such Hearings Pursuant To City Ordinances.

(City Clerk's Office)

- A Resolution Approving An Amendment To That Certain Amended And Restated/Consolidated Lease Agreement By And Between The City Of Miami Beach And Miami Beach Watersports Center, Inc. (MBWC), For A Parcel Of Land And Facilities Located At 6500 Indian Creek Drive, Miami Beach, Florida, Amending Paragraph 15.6 Of Said Agreement, By Extending The Date, By A Period Of Three (3) Months, From November 28, 2003 To February 28, 2004, For The MBWC To Obtain A Final Building Permit For The Proposed Improvements To Parcel "A." (Page 66) (Economic Development)
- C7E A Resolution Approving A Settlement Regarding Liens On The Property At 701 Collins Avenue, Miami Beach, Owned By Collins Manor Condominium In The Amount Of \$137,365 Be Waived And Further Authorizing The City Manager And City Clerk To Execute Any And All Documents Necessary To Effectuate The Settlement And Lien Release. (Page 73)

 (Neighborhood Services)

C7 - Resolutions (Continued)

- C7F A Resolution Setting A Public Hearing To Consider The Proposed Designation Of The North Beach Resort Historic District By Amending The Land Development Regulations Of The Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(E), "Delineation On Zoning Map"; Amending Section 118-593(E)(2), "Historic Preservation Districts (HPD) By Designating The North Beach Resort Historic District, Consisting Of A Certain Area Which Is Generally Bounded By The Southern Lot Lines Of 6084 Collins Avenue, 6261 Collins Avenue, And 210-63rd Street To The South, The Centerline Of 71st Street To The North, The Centerline Of Collins Avenue And The Western Lot Lines Of Certain Properties Fronting On Collins Avenue To The West (Including 6084 Collins Avenue, 6300 Collins Avenue, And 6574 To 6650 Collins Avenue), And The Erosion Control Line Of The Atlantic Ocean On The East (Excluding 6605 Collins Avenue), As More Particularly Described In The Ordinance. (Page 78)
- C7G A Resolution Retroactively Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between The City Of Miami Beach And Miami-Dade County, Florida, Securing Off-Duty City Of Miami Beach Police Officers To Perform Guard Services For The Palm And Hibiscus Island Security Guard Special Taxing District. (Page 91)

 (Police Department)
- C7H A Resolution Approving And Adopting Revised Guidelines For The City Of Miami Beach Multi-Family Housing Rehabilitation Program. (Page 100)

 (Neighborhood Services)

PA - Presentations and Awards

- PA1 Certificate Of Appreciation To Be Presented To The Parks And Recreation Department, For Receiving The National Accreditation From The Commission On Accreditation Of Park And Recreation Agencies (CAPRA).

 (City Manager's Office)
- PA2 Certificates Of Appreciation, "At Your Service" Employee Of The Month Award For October And November 2003.

 (City Manager's Office)
- PA3 Certificates Of Appreciation To Be Presented To Rescuers In The Ring Charity Boxers.

 (Requested by Mayor David Dermer)

AGENDA ITEM <u>PAI-3</u> DATE <u>12-10-03</u>

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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Request for approval to issue a purchase order to Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE, Inc.) for the purchase of one (1) 2004 Freightliner SWAT Van in the amount of \$88,775.02.

Issue:

Whether to approve the purchase?

Item Summary/Recommendation:

The 2004 customized SWAT van is a scheduled **replacement** for the City of Miami Beach Police Department and is funded by the Fleet Management Replacement Fund. The 2004 SWAT van will be used by the Police's Department's SWAT Team in various strategic operations. The vehicle will have a 16 foot body on a 2004 Freightliner MT-55 Chassis. The customized vehicle will accommodate up to eleven team members including the driver and house weaponry, ammunition and other tactical equipment. This vehicle will be equipped with customized bench seating, work station, cabinetry, lighting, and special electronic and communications wiring. The Administration solicited various vendors for budgetary cost figures based on broad specifications for a SWAT van and found PRIDE, Inc. to be the most cost effective. PRIDE, Inc. is exempt from the formal bid process pursuant to Florida Statute 287.042 (2) (a).

The Administration recommends that the City Commission approve the purchase.

Advisory Board Recomme	nd	ation	1:
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N/A

Financial Information:

Source of	1000	Amount	Account	Approved
Funds:	1	\$88,775.02	510.1780.00673 F Management Replacement Fu	leet
	2			
146	3 4			
Finance Dept.	Total	\$88,775.02		

City Clerk's Office Legislative Tracking:

Andrew Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Gus Lopez, Procurement Andrew Terpak, Fleet Mgt.	mayard Buttaccurde	Jac
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AGENDA ITEM <u>C2A</u>

DATE /2-/0-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLÓRÍDA 33139 www.miamibeachfl.gov

Members of the City Commission



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Date: December 10, 2003

From:

Jorge M. Gonzalez

City Manager

Subject:

REQUEST FOR APPROVAL TO ISSUE A PURCHASE ORDER TO PRISON

REHABILITATIVE INDUSTRIES AND DIVERSIFIED ENTERPRISES, INC. (PRIDE, INC.) FOR THE PURCHASE OF ONE (1) 2004 FREIGHTLINER

SWAT VAN, IN THE AMOUNT OF \$88,775.02.

ADMINISTRATION RECOMMENDATION

Approve the issuance of a purchase order.

FUNDING

\$88,775.02

Fleet Management Replacement Fund

510.1780.000673

ANALYSIS

This vehicle is recommended to be purchased from PRIDE, Inc., a state-authorized, not-for-profit manufacturing and services corporation. PRIDE, Inc. is exempt from the formal bid process pursuant to Florida Statute 287.042 (2) (a).

Since 1981, when the Florida Legislature authorized the PRIDE, Inc. to manage and operate the state's correctional industries, PRIDE has trained thousands of prison inmates and has provided them with marketable job skills.

The heavy vehicle renovation and conversion division of PRIDE operates with a workforce of 75 state prison inmates, who are all in various stages of training in the following areas: welding and fabrication, heavy truck collision repair and painting, sandblasting, upholstery and hydraulics. All workers are encouraged to obtain outside certifications in their fields. PRIDE renovates and converts over 250 vehicles per year. PRIDE's conversion department specializes in converting commercial platforms to customized special operations equipment such as SWAT units, Command centers and other emergency vehicles. PRIDE has customized law enforcement vehicles for the following agencies: Miami-Dade Police Department, City of Miami, City of Fort Lauderdale, City of Hollywood, City of Aventura, City of North Miami, City of North Miami Beach and the Florida Highway Patrol.

The 2004 customized SWAT Van is a scheduled replacement for the City of Miami Beach Police Department and will be funded by the Fleet Management Replacement Fund.

The 2004 SWAT Van will be used by the City of Miami Beach Police Department's SWAT Team in various strategic and covert operations throughout the City. SWAT is responsible for the service of all high-risk warrants and response to situations that are too dangerous or beyond the abilities or equipment of regular patrol officers. These situations can develop without warning from any call, at any time. Because the timeliness and level of preparation upon the arrival of the SWAT Team at situations can be of the highest consequence, the van needs to remain loaded and ready for immediate deployment at all times. These responses require a large number of SWAT Team members (10-12 team members or 2000+lbs) to deploy onto the scene at once.

The Team requires a large amount of heavy gear be at their disposal for immediate use at these calls. Gear carried in the van will include, weapons, ammunition, vests, shields, sledgehammers and breaching equipment, lights, gas and distraction (explosive) devices, medical bags, ladders, torch, fire extinguishers, listening devices and other miscellaneous equipment totaling approximately 2200+lbs. The SWAT Team responds to an average of 12-15 call outs per year.

The SWAT Van is also needed for transportation of personnel and equipment to training. Training occurs for a full day twice a month and for three consecutive days twice a year. A total of 30 days per year.

The SWAT van will have a 16 foot body on a 2004 Freightliner MT-55 chassis. This vehicle comes with a standard warranty as follows: Basic Chassis 2 years/24,000 miles; Engine, 2 years, unlimited miles; Transmission, 3 years, unlimited miles; Cross Members, 5 years, 100,000 miles; and Drive Train, 3 years, 50,000 miles. The customized SWAT Van will accommodate up to twelve team members including the driver and house various weaponry, ammunition and other necessary tactical equipment. This vehicle will be equipped with customized bench seating, work station, cabinetry, lighting, and special electronic and communications wiring.

The vehicle listed below has met or exceeded the established criteria for replacement. Because of its age (16 years), the vehicle is in extremely poor condition due to corrosion and rust and therefore unsafe and not reliable to transport personnel and would require extensive body repair.

Veh#	Dept.	Year	Make	Mileage	Life to Date Maintenance	Condition
0006-7	1140	1987	Ford E-250	9,223	\$5,415.93	Poor

Note: The criteria are based on age, mileage, maintenance, engine hours (one engine hour idling = 35 miles), and overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

The Administration solicited various vendors for budgetary cost figures based on broad specifications for a custom SWAT Van and found PRIDE, Inc. to be the most cost effective. PRIDE is exempt from the formal bid process pursuant to Florida Statute 287.042 (2) (a).

The Administration recommends that the City Commission approve the purchase.

JMG/MDB/GL/AET/mo

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 10, 2003

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

REFERRAL OF THE BEATLES MANDALA PROPOSAL FOR A WORK OF

PUBLIC ART TO BE COMMISSIONED, AS RECOMMENDED BY THE ART IN PUBLIC PLACES COMMITTEE TO THE COMMUNITY AFFAIRS

COMMITTEE

ADMINISTRATION RECOMMENDATION

Approve the referral.

BACKGROUND

In the spring of 2001, the Art in Public Places (AiPP) Committee embarked on drafting a master list of potential funding sources and possible sites for new works of art pursuant to the AiPP Ordinance. It was later determined that a professional public art consultant be retained to review the fund, the Ordinance, and recommend guidelines for a viable program. The AiPP master plan, Ordinance amendments and guidelines are scheduled for review by the Community Affairs Committee at the December 16, 2003 meeting.

In drafting the master list of potential sites, the AiPP Committee noted that the North Beach sector has mosaic tile components, which include planters in North Bay Village on the median of the 79th Street causeway and the bus bench at Collins Avenue and 73rd Street. In looking at North Beach as a tourist destination, the AiPP Committee did some research into other cities with similarities. In looking over historical factors pertinent to North Beach it was also discovered that in 1964 at the end of their first world tour, the Beatles were lodged at the Deauville Hotel.

In the summer of 2002, the AiPP Committee asked the artist Kevin Arrow to propose a mosaic tile artwork for North Beach in memory of the Beatles. Mr Arrow is a local artist currently employed at MOCA as the Exhibition Coordinator and Registrar. Mr Arrow is also a property owner and resident of North Beach. Mr Arrow is known for his colorful and intricate "mandala" designs. A "Mandala" (Sanskrit for round or circle) traditionally represents a symmetrical display of inter-related visual components to be enjoyed for the purpose of relaxation, concentration or meditation. A mandala can represent a microcosm or spiritual diagram of a universe, illustrating various principles, qualities, and forces. By viewing the components of a mandala sequence, moving inward and outward through the imagery, one can move simultaneously toward one's own inner center and toward the center of one's reality.

Agenda Item <u>C 4A</u>

Date <u>/2-/0-</u>03

In August of 2002, a preliminary proposal, by Kevin Arrow, for a 200 square foot mosaic tile work of art entitled "Beatles Mandala," was presented by the AiPP Committee and staff to EDAW. On September 24, 2002, an all inclusive powerpoint presentation was made by the artist to the AiPP Committee which included the Bandshell Park restoration project as a recommended location in order to assist in deferring some of the cost for site preparation and permitting. However, the Bandshell Park restoration project has yet to be funded and the Beatles 40th anniversary is only a few months away.

Therefore, the AiPP Committee has met with the North Beach Development Corporation, Capital Improvements and Arts in North Beach committees and received their support of the original site recommendation, which is in close proximity to the commercial business district, the entertainment/arts district, Ocean Terrace, and the Deauville Hotel. This site has high impact visibility for residents and visitors and provides an excellent opportunity to establish a community centerpiece.

The project has been presented to the Capital Improvement Projects Office for review. Site enhancements include construction of sub-flooring, a retaining wall with perimeter pavers and illumination at a cost of approximately \$10,000. Art in Public Places will be seeking a partnership with the North Beach Development Corporation to fund these enhancements.

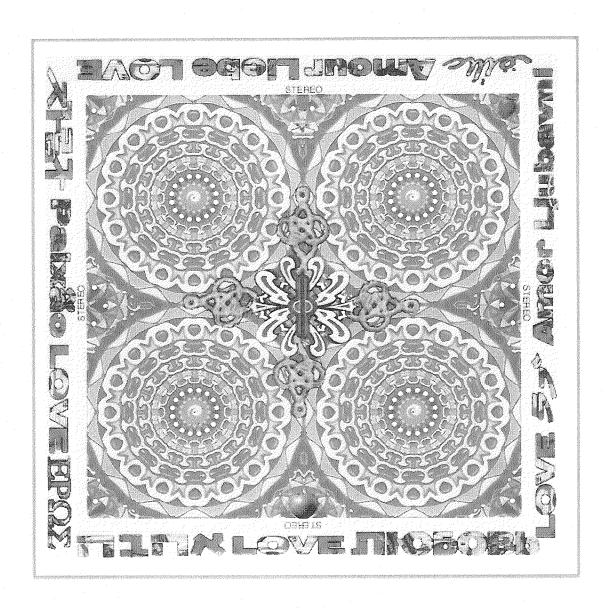
The AiPP Committee would like the "Beatles Mandala" project to be unveiled at the Miami Beach Festival of the Arts on February 7, 2004 in North Beach to commemorate the 40th anniversary of the Beatles' visit to Miami Beach, which was on February 26, 1964. The "Beatles Mandala" public art commission will visually enhance the community and serve as an important centerpiece for Miami Beach and the North Beach community.

CONCLUSION

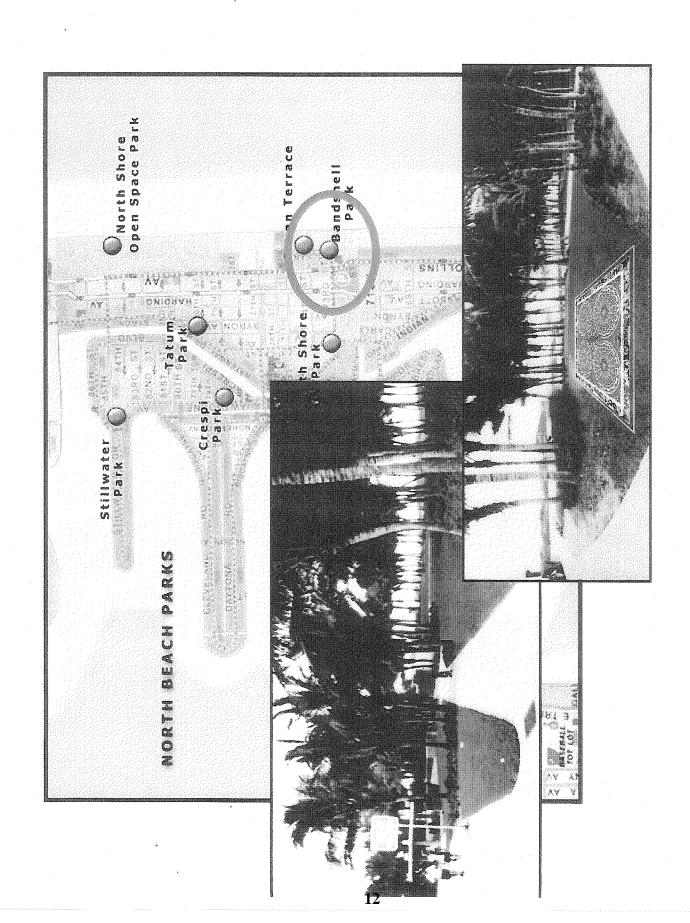
The Administration recommends referral of the "Beatles Mandala" design proposal (Exhibit "A") to be sited at the North Shore Bandshell Park, and the appropriation of funds in an amount not to exceed \$70,000, which includes artwork, installation, site preparation, enhancements, promotion, and contingency, to the Community Affairs Committee.

JMG/CMC/DS/MAS/jv

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©Kevin Arrow Beatles Love Mandala, 2004 North Beach Bandshell Park 200 square foot glass mosaic



CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



Date: December 10, 2003

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE

MEETING OF NOVEMBER 20, 2003.

A meeting of the Finance and Citywide Projects Committee was held November 20, 2003 at 2:30 p.m. in the City Manager's Large Conference Room.

Finance and Citywide Projects Committee Chairperson Vice-Mayor Jose Smith, Commissioner Matti Herrera-Bower, and Commissioner Richard Steinberg were in attendance.

City staff was represented by: Jorge M. Gonzalez, City Manager; Patricia D. Walker, Chief Financial Officer; Christina M. Cuervo, Assistant City Manager; Robert C. Middaugh, Assistant City Manager; Martha M. Dempsey, Special Assistant to the City Manager; Raul Aguila, First Assistant City Attorney; Kevin Smith, Parks and Recreation Director; Tim Hemstreet, Capital Improvement Projects Director; Jorge Chartrand, Assistant Capital Improvement Projects Director; Jose Damien, Asset Manager; Robert Reboso, Redevelopment Specialist; Nurys Menicucci, Construction Manager; Manuel Marquez, Finance Manager; Bill Gonzalez, Senior Management & Budget Analyst; Dolores Mejia, Office Associate V; and Lorna Mejia, Office Associate V.

Others in attendance included:

Jerry Libbin, Steve Hertz, Ken Johns, and Leon Manne representing the Normandy Shores Homeowners Association; Claire Tomlin and Don Tomlin representing The Market Company; Todd Osborn and Graciela Escalante representing URS; Xavier Fernandes and Draguisa Gomero representing Regosa Engineering; and Henry Louden.

OLD BUSINESS

1. Discussion of the requests by Miami-Dade County for the City of Miami Beach Commission, as the governing body of the Redevelopment Agency, in its Sole Discretion, to: A) Exempt the Children's Trust, an Independent Taxing District, from contributing its Ad Valorem Tax Levy to the City's Redevelopment Trust; and, B) Impose a 1-1/2 Percent Administration Fee on the Redevelopment Agency's proposed FY 2003/04 Budget.

ACTION

No action necessary. Status update was given.

Agenda Item <u>C6A</u>

Date <u>/2-/0-03</u>

City Manager Jorge M. Gonzalez introduced and summarized the item. At the September 16, 2003 Finance and Citywide Projects Meeting, the Committee directed the City Manager to meet and negotiate various issues associated with the requests from the Children's Trust and Miami-Dade County and report back to the Finance and Citywide Projects Committee with a status update.

Mr. Gonzalez reported that Mr. Modesto Abety, Executive Director of the Children's Trust, appeared open to exploring the recommendations presented by the City and Mr. Abety would be discussing these items with the Children's Trust at their next meeting. Mr. Gonzalez stated that more information would be forthcoming after the Children's Trust meeting.

Mr. Gonzalez stated that the Children's Trust might issue a Request for Proposals (RFP) for the distribution of funds collected. Mr. Gonzalez discussed with Mr. Abety the possibility of earmarking funds collected from the City of Miami Beach for providers of guaranteed services that will benefit the children of Miami Beach.

Assistant City Manager Christina M. Cuervo stated that the City discussed with Miami-Dade County their proposed Administrative Fee. Ms. Cuervo also stated that the City demonstrated to the County that their proposed fee would mean that the County would receive more funding for the operations of the Miami Beach Redevelopment Agency than the City of Miami Beach would. The Administration will continue to follow up with the County and report back to the Finance and Citywide Projects Committee with an update.

2. Update regarding Penrod Brothers, Inc. request for a referendum regarding their Lease Agreement for the City Owned Property Located at One Ocean Drive.

<u>ACTION</u>

No action necessary. Status update was given.

City Manager Jorge M. Gonzalez introduced and summarized the item. Mr. Gonzalez stated that he completed a site visit on November 19, 2003. Mr. Gonzalez stated that Penrod Brother's Inc. has generally complied with our requests so far, and the terms of a concession agreement are now being finalized which address certain business points.

The park grounds in question are now open to the general public and the City has requested the removal of various objects in the park in order to maintain public access to the grounds. The City has also requested a site plan from Penrod Brother's Inc. The Administration is planning on bringing a resolution to these issues to the December 10, 2003 Commission Meeting.

3. Financial update on Mt. Sinai Medical Center and discussion on upcoming proposed bonds to be issued through the Health Facilities Authority.

ACTION

Item Deferred.

NEW BUSINESS

1. A discussion on the ADA and Public Interior Design Enhancement Renovations for the Jackie Gleason Theater of the Performing Arts (TOPA).

ACTION

The Committee voted to reject all bids received for the ADA and Public Interior Design Enhancement Renovations for the Jackie Gleason Theater of the Performing Arts.

Chairperson Vice-Mayor Jose Smith introduced and summarized the item. Vice-Mayor Smith stated that the Committee members had received and read memos detailing concerns the City's Consultant, SKLARchitecture, and the City's Program Manager, URS Corporation, had with Regosa Engineering, Inc. and their qualifications.

The Committee voted unanimously to reject all bids received for the ADA and Public Interior Design Enhancement Renovations for the Jackie Gleason Theater of the Performing Arts.

2. A discussion on the Status of the Normandy Shores Golf Course.

<u>ACTION</u>

The Committee recommended that the Administration proceed to seek funding sources for Construction Alternate 1 for the Normandy Shores Golf Course Project. The Committee further directed the Administration to come back to the Finance and Citywide Projects Committee with a report detailing such funding options for the project.

Assistant City Manager Bob Middaugh and Capital Improvements Projects Office Director Tim Hemstreet introduced and summarized the item. The Normandy Shores Golf Course preliminary budget contained a deficit of \$958,406; however, to achieve the recommended Alternate and include the elevation of the entire course, a continuous cart path, and an upgraded irrigation system the shortfall is estimated at \$2,039,285. This deficit for the preliminary budget comes as result of additional drainage requirements from the Miami-Dade County Department of Environmental Resources Management (DERM). In addition to this requirement from DERM, other recommended alternatives exists which would dramatically enhance the facility by increasing playable days, remedying neighborhood-wide flooding, reducing monthly water bills, and enhancing the scope of renovations (these alternatives are attached as Appendix A).

City Manger Jorge M. Gonzalez identified the following potential funding sources as options for securing the funding necessary for the Golf Course renovations:

- a. Capital Reserve
- b. Interest earnings from Bond accounts
- c. Sale of unutilized City owned property across the Street from the Golf Course
- d. Convention Development Tax (CDT) Funds (would require legislative action in Tallahassee which would allow for CDT funds to be used for the construction of Golf Courses)

Mr. Jerry Libbin, representing the Normandy Shores Homeowners Association, stated that

the neighborhood was in favor of renovating the Golf Course, preferably with Alternative 1, in order to remedy the area wide flooding. Mr. Libbin also stated that he has no objections to the City selling the vacant lot in order to raise funds for the project, as neighbors would rather see a beautiful house there rather than an empty lot. Mr. Libbin further stated that by selling the property the City would be generating more income through property tax collections.

The Committee unanimously recommended that the Administration proceed with Construction Alternate 1 for the Normandy Shores Golf Course Project. The Committee further directed the Administration to come back to the Finance and Citywide Projects Committee with a report detailing funding options for the project.

3. The establishment of a dedicated source of funding for our Cultural Arts Council.

ACTION

Item Deferred until Special Commission Workshop Discussing Funding for the Arts

City Manager Jorge M. Gonzalez introduced and summarized the item. Mr. Gonzalez informed the Committee that the Administration will be scheduling two Commission Workshops in the upcoming months. One workshop will be to discuss Strategic Planning for Cultural Arts. The second workshop will be a discussion on the allocation of Quality of Life Funds.

Committee members stressed the importance of having a dedicated funding source for the Arts. Mr. Gonzalez stated that the interest income derived from the \$10 million endowment for the Arts is not a permanent source of funding. The \$10 million have been committed for Convention Center capital projects and is anticipated to be spent during the next fiscal year.

The upcoming Special Commission Workshop will allow for an in depth discussion to take place and address the funding requirements and funding availability for the Arts.

4. Review and discussion, the proposed concession Agreements with Market Company, Inc., for the Lincoln Road Green Market, the Espanola Way Market and the Normandy Village Market.

<u>ACTION</u>

The Committee instructed the Administration to report back to next Finance and Citywide Projects Committee the results of negotiations with Market Company, Inc. in regards to the following three issues:

- Fees for Vendor/Merchant Spaces
- Off-Duty Police
- Fee/Concession Revenue

Assistant City Manager Christina M. Cuervo introduced and summarized the item. The Administration has met on several occasions with the Market Company, Inc. and has reached an impasse in regards to their RFP for the Lincoln Road Green Market, the

Espanola Way Market and the Normandy Village Market, as it relates to the following three issues:

- Fees for Vendor/Merchant Spaces
- Off-Duty Police
- Fee/Concession Revenue

In addition to the above items, the Market Company, Inc. has indicated that amounts listed in their proposal which were to be paid to area associations are no longer going to be submitted as economic circumstances have changed.

First Assistant City Attorney Raul Aguila stated that if the Market Company does not submit payments to area associations as it had originally stated in their proposal it would constitute a change in response and make their proposal non-responsive.

City Manager Jorge M. Gonzalez stated that from a policy standpoint he did not want to set a precedent of receiving responses for bids and then allowing modifications after the fact.

Claire Tomlin, President of the Market Company, Inc., stated that the City has mandated requirements which were not originally included in the RFP, such as off-duty police, audited financial statements, and the pressure cleaning of streets.

Committee members expressed concerns about the amount of time, money and efforts that have been spent on this RFP and expressed a desire for the Administration to meet with the Market Company and try to negotiate the three issues. The Committee instructed the Administration to report back to next Finance and Citywide Projects Committee the results of negotiations with Market Company, Inc. in regards to the following three issues: fees for vendor/merchant spaces, off-duty police, and fee/concession revenue.

The meeting adjourned at 4:18 p.m.

JMG/PDW/mim .
T:\AGENDA\2003\DECEMBER 10, 2003\CONSENT\Fin & CW 11-20-03

APPENDIX A

Normandy Shores GC Estimates and Budget.xls

Normandy Shores Golf Course Preliminary Budget and Construction Cost Estimate

* Alternate 2 Includes:	Elevates Tees & Greens Re-Build Bunkers Re-grass Fairways Tee & Green Cart Paths Upgrade Irrigation System for Pas Palum Pas Palum Grass Laser Grade Tees	
* Alternate 1 Includes:	Elevates Entire Course Re-Build Bunkers Re-grass Fairways Continuous Cart Path Upgrade Irrigation System for Pas - Palum Pas Palum Grass - Laser Grade Tees Laser Grade Tees	
* Original Budget Includes:	Elevates Tees & Greens Re-build Bunkers Re-grass Fairways Tee & Green Cart Paths Minimal Irrigation Improvements No Pas Palum Laser Grade Tees	-
Project Scope		

* Highlighted cells indicate differences between proposals.

Project Costs
and Related
ι Estimate
Construction

		Original Budget	Alternate 1	Alternate 2
Total Soft Costs	₩	1,014,003 \$	1,014,003 \$	1,014,003
Estimated Total Construction and Contingency Costs	€	4,006,153 \$	5,287,032 \$	4.814.340
Estimated Total Soft Costs and Construction Costs	₩	5,020,156 \$	6,301,035 \$	5,828,343
Project Funding				
Source Gulf Breeze Loan Pool SFWMD Grant for Brackish Water	↔	Original Budget Amount 4,061,750 \$	Alternate 1 Amount 4,061,750 \$	Alternate 2 Amount 4,061,750
Irrigation System	€	φ.	\$ 200,000	200,000
Total Project Funding	v)	4,061,750 \$	4,261,750 \$	4,261,750
Surplus/(Deficit)	\$	\$ (928,406)	(2,039,285) \$	(1,566,593)

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: December 10, 2003

From:

Jorge M. Gonzalez

City Manager

Subject: REPORT OF THE NEIGHBORHOODS COMMITTEE MEETING HELD

ON NOVEMBER 24, 2003

A meeting of the Neighborhoods Committee was held on November 24, 2003 at 2:00 P.M. in the City Manager's Large Conference Room. Commissioners in attendance: Matti Herrera Bower, Saul Gross, and Richard Steinberg. City staff in attendance: Vivian P. Guzman, Director, Neighborhood Services Department; Barbara Hawayek, Neighborhood Services Department; Richard Lorber, Planning Department; Steven Cumbo, Housing and Community Development, Miguell DelCampillo, Housing Manager, Housing and Community Development. Others in attendance are listed in the attached sign-in sheet.

OLD BUSINESS

1. <u>Discussion regarding the revised guidelines for the City of Miami Beach Multi-Family Housing Rehabilitation Program.</u>

Mr. Miguell DelCampillo, Housing Manager, Housing and Community Development Division, Neighborhood Services Department presented the information on the Multi-Family Rehabilitation Program that has been in existence for over a decade. This program provides 50% of the cost of rehabilitation of property to the landlord. Over forty buildings have been done, most of them on South Beach, amounting to over 1000 units. After the building is rehabilitated under this program it remains affordable for five years.

Mr. DelCampillo stated that today's discussion is regarding a revision of the guidelines that controls how the money is utilized and who gets the money. Specifically, there is to be a second option which will allow the landlord to apply for 75% of the cost of the rehabilitation and provide the city with ten years affordability. Another change is the money is no longer going to be based on the number of bedrooms. It is based on the number of units to simplify the process.

Commissioner Bower asked if this has already gone through the Loan Review Committee. Mr. DelCampillo responded that the committee, who oversees how we use the money in this program, had actually sent this to the Commission, the Commission needed to send it to the Neighborhoods Committee, and now it will go back to the Commission.

Agenda Item <u>C6B</u>

Date /2-10-03

Commissioner Steinberg stated that this will get more affordable housing units on a yearly basis for less money by increasing by fifty percent the subsidy. Commissioner Steinberg wondered what would be the downside, if it is that fewer units would be refurbished. Mr. DelCampillo responded that would be only if everyone decides to go with the second option. Furthermore, another possible downside is that the option may not be utilized but there doesn't seem to be a negative that we could look at in the future.

Commissioner Steinberg asked if the money is replenished annually. Mr. DelCampillo answered that it is processed through the one year Action Plan, U.S. HUD funding, and CDBG funding.

The Committee unanimously passed a motion regarding the revised guidelines for the City of Miami Beach Multi-Family Housing Rehabilitation Program.

2. Review the City's and MBCDC's policy regarding acquiring buildings in better shape and provide more affordable housing.

Item deferred to the next Neighborhoods Committee meeting.

NEW BUSINESS

3. A discussion regarding \$309,469.00 in HOME programs towards the cost of rehabilitation of 530 Meridian Avenue.

Ms. Maria Pellerin Barcus from Carrfour Supportive Housing spoke and addressed the concerns with this project. One issue is that the housing is being described as transitional. The funding on this project allows residents to remain on a renewable basis indefinitely. The limitation on time was created from the Board of Adjustment zoning order. The zoning order requires the tenants have a six month lease to start with that may be extended for one month periods for another six months. During this time Carrfour would be making best efforts for alternate placement within the community. The agreement with the Board was that if at the end of the year some of the residents had not been placed that they would come back to them to review the situation.

Ms. Barcus continued that Carrfour, unlike other landlords encourages people to move. They will be working with the Miami Beach Housing Authority, who will be administering the operating subsidy for this building which is a type of Section 8. In the past, whenever a housing authority opens their Section 8 list, Carrfour encourages all residents to sign up so that they are offered a unit.

Commissioner Bower asked if Carrfour works closely with the Housing Authority to get vouchers or getting them placed. Ms. Barcus answered that Carrfour was recently awarded fifty Section 8 vouchers for disabled individuals and is planning to see if they can use those vouchers to place people coming through their buildings and programs in community housing. They have to make sure that HUD allows this.

Commissioners Bower and Steinberg asked how preference, as promised, will work for the homeless of Miami Beach. Is there anything in writing that gives priority to Miami Beach homeless, and what assurances are there that someone else wouldn't be given a spot out of turn because they know someone? Ms. Barcus stated that they have not implemented anything yet. Carrfour would like to work with the City's outreach teams and police department for them to identify 50 to 100 people that are known to be long time Miami Beach homeless; make known to them that this building will become available with 55 units, have a unit reserved for them and give them an opportunity, upon the building's completion to meet their requirements. Carrfour staff will maintain the list. The units are first offered to the City's homeless by the City's outreach team. No one else is out there looking for people and they are not taking any other referrals. There is no process in place now beyond the initial opening. Ms. Barcus further stated that they will need to create a system that is acceptable with all funders to enable them to give preference to Miami Beach homeless.

Commissioner Steinberg asked that Carrfour work on the details of this process in the interim, before going to the Commission and to work with Vivian Guzman so that we have a mutual understanding; that we are not going to find out some time in the future that we are not getting the preference that we thought we were. Ms. Barcus stated that the main people she needs to clear the methodology with are HUD and the Homeless Trust and we will do this before it goes to Commission.

Miguel DelCampillo stated that if we chose to formalize this in the form of an agreement, we can incorporate whatever method is agreed upon as an attachment, and submit it as part of the agreement.

Commissioner Steinberg referenced that, from an outreach standpoint, this project gives us two powerful vehicles enabling us to be able to help people. Given that the facility does not offer treatment and the tenants going in will need to undergo drug testing, we will have people on the street that will want to get into this facility but do not want to leave the beach. Also for the person who needs that additional assistance, the outreach team will be able to tell them that we have a place we can reserve for you and after you go through that treatment there will either be a bed for you or a facility that will put you on a waiting list at a priority basis to get you back on the beach.

Ms. Barcus brought up Commissioner Gross's concerns about security. Carrfour believes that this area has a crime problem that still exists even after they had closed the building. Carrfour is asking for the police department, and other surrounding homeowners and businesses to get the neighborhood organized. If the

Page 4 of 4 December 10, 2003

neighborhood itself is safe, then the building would be safe in terms of security. If there is a desire for additional security, then they can have a night-time security guard for at least the first few months as there is not enough money in this project to man a 24 hour front desk. That is an item that if the City feels strongly about then Carrfour would ask the City to help fund that.

Commissioner Bower asked that someone pull the police records on the crime rate while the building is closed to determine any changes in the crime rate. Vivian Guzman will check with Captain Leonard Alamo.

Richard Lorber reminded that Carrfour needs to get their building permit by December 7, 2003 to be in compliance with the Board of Adjustment. Ms. Barcus stated that the architect, housing developer, and project manager have assured her that they will have everything by the deadline.

The Committee directed the Administration to finalize the details regarding the process of preference to Miami Beach homeless; the Committee did not make a motion on this item.

Attachments

JMG/RCM/VPG/rfm



CITY OF MIAMI BEACH NEIGHBORHOODS COMMITTEE

November 24, 2003

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION	PHONE NO.	FAX /EMAIL	
Vivian P. Guzman	(MB	5519		
DARBARA HAWAYEK	CMB	2259		
Cosmaco Dotorne	MBCDC	(30-) I340090	Rosento O minimi Reside Caso	מ כשינ
Miguell De (Gorgelle	OUB	(305)673-7260		83°
大の 」ではかって	CARREDAR	(305)311-8300	WICHARLCOX @ CARRED	AREFOR
Soseph Blain	Carran		(305) 271-137 b	CAG
Steven K. Cumbse	GMB	Ex 6168	221.1	
Karl Konnody	MBCDC	205-528-000	Z	H.Com
Michael Locker	CMB Plannins	7550		
Maria P. Borano	Canjour Supp 1489	(305) 311-8300	mple carefuing	11.00g
				4



NEIGHBORHOODS COMMITTEE November 24, 2003 CITY OF MIAMI BEACH

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION	PHONE NO.	FAX /EMAII.
Comm. Steenberg			
Comm. Dowers			
DOIDICS MEJIA	Comm. Stunbug	0834	
LOTHA MUJIA	Comm. Bowl	4637	
,			

CITY OF MIAMI BEACH

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COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: December 10, 2003

From:

Subject:

Jorge M. Gonzalez

City Manager

()

REPORT OF THE GENERAL OBLIGATION BOND OVERSIGHT

COMMITTEE MEETING OF DECEMBER 1, 2003

The General Obligation Bond Oversight Committee ("Committee") met on December 1, 2003. At the meeting, the Committee considered the following issues.

The Committee reviewed and passed the minutes from the November 3, 2003 meeting.

CHANGE ORDERS

The Administration informed the Committee of the new change orders had been approved. A list of those change orders is attached as "Exhibit A".

PRESENTATION

A presentation on the South Shore Community Center was reviewed. The Administration informed the Committee that the renovation of the facility would take place in phases. The first phase would include improvements to the major systems (elevator, fire alarm, windows, roof, restrooms, insulation, fire code, ADA improvements) in the facility on the second floor, and was scheduled for construction during Fiscal Year 2004. Construction costs for the first phase are estimated at \$785,000. Funding for the construction was to be paid in part from General Obligation Bond funds, with the tenant supplementing that funding for tenant-requested improvements.

Phase II of the project was scheduled for construction during Fiscal Year 2005, and would include renovations to the major systems on the first floor. Construction costs are estimated at \$540,000. Phase III would include exterior improvements, such as fencing, landscaping, repaving, drainage and tot lot improvements. Phase III would be constructed during Fiscal Year 2006, if sufficient funding exists.

The Administration explained that tenants would not need to relocate during the renovation, and that the phased construction was meant to minimize the impacts to the tenants.

RECOMMENDATION TO CITY COMMISSION

At the November 3, 2003 Committee meeting, the Administration recommended that the Committee recommend that the City Commission amend the A/E Agreement with CH2M Hill for the **Bayshore Neighborhood Right-of-Way Infrastructure Improvement** project in the amount of \$1,913,302.

Agenda Item <u>C&C</u>

Date <u>/2-/0-03</u>

City Commission Memorandum
December 10, 2003
Report of the General Obligation Bond Oversight Committee Meeting of December 1, 2003
Page 2 of 5

For the Bayshore Right-of-Way Improvement Program, the initial contract agreement with A/E Consultant, CH2M Hill, was for planning services only. On April 7, 2003, the Committee approved the Bayshore Basis of Design Report (BODR). On April 9, 2003, the City Commission approved the BODR. Negotiations for Design, Bid/Award and Construction services began in May 2003. The CIP Office and CH2M Hill staff worked to come to agreement on the appropriate fee for the additional work, which covers work in four bid packages. On October 14, 2003, agreement between the City and CH2M Hill was reached on a fee proposal for services in an amount not to exceed \$1,913,302. This fee is broken down as follows: \$496,009 from 1999 General Obligation Bonds, \$812,365 from Series 2000 Stormwater Revenue Bonds, and \$604,928 from Series 2000 Water and Sewer Revenue Bonds. The breakdown of this amount per remaining phase (Design, Bidding and Award, and Construction Administration) and Reimbursable Expenses is as follows: \$1,130,878 for Design, \$59,224 for Bidding and Award, \$371,441 for Construction Administration, and \$351,760 for Reimbursable Expenses.

The Administration explained that the fee, although high, was still within an acceptable range. Due to the size of the area under consideration, and the complexity of the project (being 4 separate bid packages being constructed at different times), the City recommended the fee as being fair and reasonable. The Committee expressed concern that the fee for the remaining phases is a higher percentage of the project budget than in other projects. On average, the City is paying about 10% of the project budget in A/E fees for the Right-of-Way Infrastructure Improvement Program. In this case, if the fee proposed is awarded, the percentage would be closer to 14% of the project budget.

The Administration explained that the consultant sometimes used to assist in agreement negotiations, Pappas and Associates, recommended a fee of approximately \$1.55 million. The Committee felt that the \$350,000 differential between the recommendation from Pappas and Associates and the proposal from CH2M Hill was too large. The Committee approved a motion to defer its vote on this issue until the next Committee meeting, currently scheduled for December 1, 2003. The Committee asked that the Administration work with CH2M Hill in the meantime and see if they would accept an agreement in the amount of \$1.6 million with the understanding that if it was found that additional hours were needed, that CH2M Hill could come back and ask for additional services at that time, and the Committee would be willing to consider that request.

At the December 1, 2003 meeting, the Administration reported that discussions were held with CH2M Hill regarding a lower fee. CH2M Hill considered the request, and responded that after further evaluation the fee proposal will stand since they consider it to be their best estimate for the services required. After consideration and discussion, the Committee made a motion to recommend that the City Commission amend the City's agreement with CH2M Hill for the Design, Bid/Award and Construction Administration services in an amount not to exceed \$1,913,302. The motion passed, with objections from Jean- François LeJeune and Michael Rotbart.

City Commission Memorandum
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Report of the General Obligation Bond Oversight Committee Meeting of December 1, 2003
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The Administration informed the Committee that negotiations with EDAW to have them serve as the A/E for the Master Plan portion of the **Botanical Garden** project had been completed. In the course of negotiations, it became clear that it would be difficult to accurately quantify the costs of designing improvements that had not been clearly identified yet. For this reason, the fee negotiations were limited to the planning phase of the project. Once the planning phase is completed and the actual desired and fundable improvements are identified, it will be possible to negotiate the fee for design and construction administration. For the planning phase of the project, a fee of \$86,000 was negotiated. The planning phase will address both funded and un-funded improvements.

The Administration told the Committee that although the typical project planning effort focuses primarily on funded improvements, the proposed planning effort would include the study of currently unfunded project components that are anticipated to be implemented through additional future project phases. Therefore the proposed \$86,000 fee represents a higher percentage of total available funding than is usually allocated for a project planning effort.

During the course of negotiations, City staff met with members of the Miami Beach Garden Conservancy (Conservancy) to determine if there were elements of the project scope of work which were likely not achievable and could be removed to reduce the planning fee. However, meeting attendees were unable to identify scope components which could be eliminated or postponed to future phases without having first undertaken a comprehensive planning effort. The Conservancy members supported the negotiated planning fee as appropriate given the challenge of prioritizing the multiple scope elements and accommodating them on the relatively small project site. In a letter of commitment dated November 18, 2003, the Conservancy also pledged to reimburse the City for \$10,000 of the proposed \$86,000 fee to demonstrate their support for the project. The letter also restates the Conservancy's commitment to raising the substantial additional project funding that will be required to implement all of the project elements that will be identified in the planning phase.

Members of the Conservancy spoke in favor of moving forward with the project as recommended by the City Administration. The Committee unanimously passed a motion to recommend that the City Commission award the A/E agreement for the planning portion of the Botanical Garden project to EDAW.

The Administration updated the Committee on the status of the Water Tank and Pump Station portion of the rehabilitation of **Fire Station No. 2** is still progressing smoothly. Jasco, the contractor, is working on the construction of the tanks. The project is on schedule for completion in May 2004.

The Committee was told that the City had completed discussions with Jasco for the Guaranteed Maximum Price (GMP) for construction of Fire Station No. 2, which was scheduled to be brought to the City Commission on December 10, 2003. The City Commission's last direction was for Jasco to perform the work on the water tank portion of

City Commission Memorandum
December 10, 2003
Report of the General Obligation Bond Oversight Committee Meeting of December 1, 2003
Page 4 of 5

the project, and for the Administration to evaluate Jasco's performance, secure a third party estimate for the construction cost of the Fire Station rehabilitation and construction, and to negotiate with Jasco for the GMP.

The Administration informed the Committee that all of these steps had been conducted, and Jasco's proposed GMP was \$8,337,510. The Administration informed the Committee that this amount exceeded the available funding, but that several project components in the current project scope had not previously been budgeted for appropriately, such as a third floor Emergency Operations Center (EOC), extensive site work, and miscellaneous soft costs. The Committee was also told that the original estimate and funding was done in 1996, so cost escalations also had to be considered. Evaluation of the Independent cost estimate demonstrated that Jasco's proposal was approximately \$1 million higher than market prices, but that the estimates were from earlier in 2003, and market prices had changed since the estimate was obtained. Jasco would also be able to start construction on the buildings approximately 60 days earlier than a new contractor, because they already occupy the site while constructing the water tank portion.

The Committee recommended that City Commission award the Fire Station No. 2 building rehabilitation and construction to Jasco at the Guaranteed Maximum Price proposed. Jean-François LeJeune objected.

PROJECT STATUS REPORT

The Committee was told that the drawings for the demolition of the existing **Fire Station No. 4** have been approved. However, due to the ordinance requirements regarding demolition of structures within historic sites, a demolition permit cannot be issued, and the City cannot demolish the existing Fire Station building until a building permit on the new Fire Station is issued. As soon as the plans for the new Fire Station are approved by the Building Department, estimated to be the end of December 2003 or early January 2004, Carivon (JOC Contractor) has agreed to pull the permit on the new building and to demolish the existing building. This means that demolition is estimated to occur in January 2004, but this date is dependent upon the Building Department review process noted above.

The construction drawings for the new fire station were submitted to the City's Planning Department on October 27, 2003 for preliminary review and permitting in accordance with the previously reported schedule. The Planning Department has reviewed the construction drawings, and issued a few comments. The drawings are being reviewed by the Building Department. Once the Building Department has completed its review, the consultant will address any comments still outstanding for final review and permit.

The Administration informed the Committee that Regosa, the contractor for the **Normandy Isle Park and Pool** project, is still taking steps to correct deficiencies on the work that had not previously been accepted. Regosa is also still working on creating a recovery plan. The project will still be behind schedule.

City Commission Memorandum
December 10, 2003
Report of the General Obligation Bond Oversight Committee Meeting of December 1, 2003
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The Administration informed the Committee that Phase I of the **Indian Creek Greenway** project, had been transferred to the CIP Office. The Administration is negotiating with the A/E for the Oceanfront Neighborhood Right-of-Way Infrastructure Improvement Project to add the scope as an amendment to the A/E Agreement. The Administration informed the Committee that a discussion will be held by one of the City Commission Committees about how to work with the particular land owners to obtain easements or deeds to be able to construct the full project.

The Administration outlined the work involved in the first three phases of the North Shore Open Space Park project. Phase I included the selective clearing of exotic vegetation, new landscaping with native vegetation species between the back of dune and coastal hammock areas, and new irrigation. The value of this construction was \$469,193, and has been completed. Phase II included removal of the existing guardhouses, construction of a 15' wide asphalt pathway, installation of unit pavers at the 79th and 85th streets entrances to the park, new lighting, new vita course, drinking fountains, landscaping and irrigation. The value of this construction was \$448,748, and has been completed except for minor repairs to the walkway which will be corrected by the City with monies deleted from the contractor's final payment. Phase III includes the renovation, improvements and additions to three Restroom Buildings, renovation of two existing shade pavilions with additional walkways and ADA access, two new sign walls at North and South entrances of the park, new playground equipment, and new gated site entries. The value of this construction is estimated at \$445,000. The project is currently being reviewed for permit by the City's Building Department and also by the State of Florida for compliance with coastal regulations. Construction is estimated to begin in the Spring of 2004, and take one year.

The Committee was told that the **North Shore Park and Youth Center** project was scheduled for completion in December 2003 or January 2004, depending on the phase being considered.

The Committee was advised that Phase I of the **Scott Rakow Youth Center** project (ice rink) is almost 99% complete. The Administration has filed for a change of contractor. The Administration will keep the Committee informed of tentative completion schedules when one is received from the replacement contractor.

INFORMATIONAL ITEMS

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

The Committee was provided with a list of the Committee meeting dates for 2004, and adopted them.

Bolded items reflect Change Orders that have occurred since the last General Obligation Bond Oversight Committee meeting.

		9	Original	Change	Revised		% of Project		
Project	# 00	Approval	Amount	Amount	Amount	Contingency	Complete (approx.)	ا ا#	Googli
Espanola Way	-	ì	\$761,526.70	(\$1.085.00)	\$760.441.70	\$141.558.30	20%	2	Value Engineering of curb and gutter to valley gutter
Espanola Way	7	1/24/02	\$760,441.70		\$765,741.70		20%		Paid from funding outside contingency - additional sidewalk, curb and outter
Espanola Way	က	1/24/02	\$765,741.70	\$81,650.00	\$847,391.70	\$59,908.30	20%		Add revised sanitary sewer improvements (2 manholes, relief line, Ductile Iron Pipe Sleeves) (originally anticipated)
Espanola Way	4	1/24/02	\$847,391.70	(\$	\$819,546.70	\$87,753.30	20%		Value Engineering of base under sidewalk
Espanola Way	2	1/24/02	\$819,546.70	õ	\$828,114.70		20%		Revised drainage structures to comply with DERM regulations
Espanola Way	9	6/14/02	\$828,114.70		\$829,014.70	\$78,285.30	42%	0	Adjust Storm Drain due to conflict with FPL Duct Bank
Espanola Way	7	6/14/02	\$829,014.70	- 1	\$844,002.70		42%	0	Concrete work to reduce slopes of plaza to approx. 2%
Espanola Way	8	6/14/02	\$844,002.70	8	\$857,002.70		42%	+49	Storm drain modifications to adjust plaza slopes to approx. 2%
Espanola Way	о	10/21/02	\$857,002.70	\$799.00	\$857,801.70	\$50,297.30	%59	0	Loading Zone at Barcelona Hotel, requested and funded by Property Owner
Espanola Way	10	10/21/02	\$857,801.70	(\$1,708.90)	\$856,092.80	\$52,006.20	65%	0	Delete 8 Planters (Owner request)
Espanola Way	7	10/21/02	\$856,092.80	\$5,190.00	\$861,282.80	\$52,006.20	%59	21	Underground Phone and TV cables, requested and funded by property owner
Espanola Way	12	10/21/02	\$861,282.80	(\$100.00)	\$861,182.80	\$52,006.20	%02	0	Credit for error on Change Order # 9
Espanola Way	13	10/21/02	\$861,182.80	\$1,180.00	\$862,362.80	\$50,826.20	%02	0	Water line to Proposed fountain
Espanola Way	4	11/12/02	\$862,362.80	\$720.00	\$863,082.80	\$50,106.20	85%	0	Ramp at Tantra for Dumpster
Espanola Way	15	11/12/02	\$863,082.80	\$512.00	\$863,594.80	\$49,594.20	85%	0	Change Planter Layout (Owner Request)
Espanola Way	9	11/12/02	\$863,594.80	\$2,000.00	\$865,594.80	\$47,594.20	85%	5	Change inlet to Storm drains
Espanola Way	17	12/6/02	\$865,594.80	\$500.00	\$866,094.80	\$47,094.20	%06	0	Additional rain water leaders
Espanola Way	8	12/6/02	\$866,094.80	(\$1,584.50)	\$864,510.30	\$48,678.70	%06	0	Plant material change by Landscape Architect
Fisher Park	-	8/10/99	\$140,451.04	\$6,874.12	\$147,325.16	\$7,201.39	27%		New scope of work for new layout of tot lot & install new fencing
	,	70,20,0	000000						
Flamingo Pooi	- 1	9/25/01	\$2,399,800.00	\$53,500.00	\$2,453,300.00	\$239,980.00			Re-route electrical feed
Flamingo Pool	7	-	\$2,453,300.00	\$20,170.48	\$2,473,470.48	\$219,809.52	40%		relocate FPL underground line to accommodate new pool
Flamingo Pool	m .	+	\$2,473,470.48	\$62,800.00	\$2,536,270.48	\$157,009.52	40%		Add Alternate # 2 - Sunburst Fence (originally anticipated)
Flamingo Pool	4		\$2,536,270.48	(\$8,680.00)	\$2,527,590.48	\$165,689.52	40%		Delete 3 lifeguard chairs and substitute pool coating
Flamingo Pool	ဂ	t	\$2,527,590.48	(\$11,246.40)	\$2,516,344.08	\$176,935.92	80%		Credit for using existing portion of sanitary sewer lines
	0	20/61/7	\$2,516,344.08	\$37,503.65	\$2,553,847.73	\$139,432.27	%08	+15	Revised storm system layout to include new drainage well. Installation of support haunches at large pool for structural stability.
Flamingo Pool	7	4/2/02	\$2,553,847.73	\$54,000.00	\$2,607,847.73	\$85,432.27		1 10	installation of Spray Deck, included as Add Alternate, requested by Parks (originally anticipated)
Flamingo Pool	80	4/8/02	\$2,607,847.73	\$4,264.48	\$2,612,112.21	\$85,432.27		0	installation of interior signage, taken from signage allowance (originally anticipated)
Flamingo Pool	თ	4/30/02	\$2,612,112.21	\$17,874.42	\$2,629,986.63	\$67,557.85		+24	furnish/install anchors for swim lines, install 5 umbrella anchors, install
									dictairea conduit whee and panels for right highling system
Group A & B Parks									
Island View Park - Ph II	_	1/9/02	\$123,453.48	(\$29,330.00)	\$94,123.48	\$62,348.00	20%		Removal of Shade Pavilion from Scope of Services (at City's request)
All Parks	2	1/28/02	\$94,123.48	\$30,060.00	\$124,183.48	\$28,268.18	30%		Removal of concrete slab at Island View tot lot, upgrade to galvanized steel fencing with electrostatic paint
All Parks	ო	3/1/02	\$124,183.48	\$8,703.66	\$132,887.14	\$19,564.52	75%		Addition of columns to fencing, relocation of column, addition of 43 linear feet of fencing to accommodate existing tree route systems
All Parks	4	3/1/02	\$132,887.14	\$0.00	\$132,887.14	\$19,564.52	75%	+45	Time extension due to delay of construction start to accommodate ongoing programming at parks

			Original	Change	Revised		% of Project		
Project	# 00	Approval	Amount	Amount	Contract	Remaining Confingency	(approx.)	# of	Pirmose
Crespi Park	5	5/15/02	\$132,887.14	\$6,136.00	\$139,023.14	\$13,428.52	%06	0	Installation of specially fabricated sections of fencing to avoid conflict with tree roof systems
I Company of Manager		00,710	0.00						אונו מסר סטינים
Island View Park	- (8/4/88	\$192,053.48	\$1,77.79	\$193,829.27				Replace underground pipe for electric service to 2 existing lights
Island View Park	7	12/29/99	\$193,829.27	\$4,044.04	\$197,873.31	\$8,703.16	36%	0	Removal of Basketball Court & restoration of area
Marseilles Drive	-	5/19/03	\$1,356,913.00	\$18,613.00	\$1.375,526,00	\$117,078.00	35%	∞	Change elevation to drainage structures and pipes.
Marseilles Drive	7	5/19/03	\$1,375,526.00		\$1,374,770.00	\$117,834.00	35%	0	Credit for use of a less expensive water pipe material.
Marseilles Drive	ო	5/19/03	\$1,374,770.00	\$3,957.00	\$1,378,727.00	\$113,877.00	35%	7	Use of a different material and type for all curb and gutter inlet frames and crates
Marseilles Drive	4	7/24/03	\$1,378,727.00	\$18,240.00	\$1,397,147.00	\$95,636.00	40%	2	Additional 2" layer of asphalt requested by the Public Works Dept.
Marseilles Drive	2	7/24/03	\$1.397.147.00	(\$4.000.00)	\$1.393.147.00	\$99,636,00	40%	6	Credit for reduced drainage well denth
Marseilles Drive	ဖ	7/24/03	\$1,393,147.00	\$5,056.00	\$1,398,203.00	\$94,580.00	40%	7	Resolution of a conflict with a water main pipe at Rue Versailles.
Marcaillee Drive	1	7/24/03	¢4 200 202 00	4000	44 200 202 00	00 000	100,		A July
Marseilles Drive	- @	7/24/03	\$1,398,203.00	00.03	\$1 398 203 00	\$94,580.00	40%	t =	Additional rain dolar.
Marseilles Drive	တ	7/24/03	\$1,398,203.00	\$0.00	\$1.398.203.00	\$94.580.00	40%	- 9	Delay due to FDOT lane closure permit
Marseilles Drive	9	8/12/03	\$1,398,203.00	\$17,200.00	\$1,415,403.00	\$77,380.00	92%	9	Re-routing of water main pipe at Normandy and Rue Notre Dame to avoid conflict with existing gas main and storm sewer pipe.
Marseilles Drive	Ξ	8/12/03	\$1,415,403.00	\$3,802.00	\$1,419,205.00	\$73,578.00	25%	2	Replacement of existing sanitary sewer pipe at Bay Drive and
Marseilles Drive	12	8/12/03	\$1,419,205.00	\$6,080.00	\$1,425,285.00	\$67,498.00	22%	0	Addition 2" layer of asphalt requested by the Public Works Dept.
Marseilles Drive	5	8/12/03	\$1,425,285.00	\$6,080.00	\$1,431,365.00	\$61,418.00	25%	0	at ruce versames. Additional 2" layer of asphalt requested by the Public Works Dept. at Rue Notre Dame
Marseilles Drive	41	8/12/03	\$1,431,365.00	\$2,622.00	\$1,433,987.00	\$58,796.00	55%	9	Removal of 95 Ft. of existing curb and gutter and replacement with new valley gutter. Removal of existing grate and replacement at different location due to a change in design at an intersection.
Marseilles Drive	15	8/12/03	\$1,433,987.00	\$1,437.00	\$1,435,424.00	\$57,359.00	22%	-	Added traffic control loop at Rue Versaille and Normandy Drive
Marcoilloc Drive	4	014.010.0	44 455 454 50	4	41 410 401	00000	1		
Marseilles Drive	4	8/12/03	\$1,440,484.00	\$4,613.00	\$1,440,484.00	\$47.686.00	55%	2	EXISTING Tree removal at Rue Notre dame due to line of sight. Additional storm drainage structure.
Normandy Isle Park	-	9/10/02	\$2,264,000.00	\$1,708.00	\$2,265,708.00	\$218,004.00	0.05%	0	Reimbursement for payment for Removal of FPL facilities from Pool
and Pool Normandy Isle Park	2	9/10/02	\$2,265,708.00	\$0.00	\$2,265,708.00	\$218,004.00	0.05%	84	Building Time delay related to waiting for relocation of County and FDOT facilities
and Pool Normandy Isle Park	က	3/10/03	\$2,265,708.00	\$1.078.00	\$2,266,786.00	\$216.926.00	0.05%	c	Additional work to dig feet pits
and Pool				3		200		•	and tool go of the state of the
Normandy Isle Park and Pool	4	12/10/02	\$2,266,786.00	\$179,000.00	\$2,445,786.00	\$37,926.00	1.00%	0	To reinstate the piling foundation system and concrete deck previously removed during value engineering
North Shore Open Space Park - Phase II	-	10/15/02	\$361,651.00	\$300.00	\$361,951.00	\$40,265.00	25%	0	Demolish and dispose two (2) existing vita course stations (not included in original scope)
North Shore Open Space Park - Phase II	7	10/28/02	\$361,951.00	\$1,477.00	\$363,428.00	\$38,788.00	28%	0	Installation of 2 4" sleeves at three locations under the newly installed 15' wide pathway

Bolded items reflect Change Orders that have occurred since the last General Obligation Bond Oversight Committee meeting.

		Jo of	Original	Change	Revised	H	넰	1		
Project	# 00		Amount	Amount	Amount	Contingency	(approx)		Dimosa	
North Shore Open Space Park - Phase II	က		\$363,428.00	\$2,642.71	17.	\$36,145.29		0	re-grading of the areas of the old guard house and along the existing pathway in order to allow a smoother grade/transition	
North Shore Open Space Park - Phase II	4	11/14/02	\$366,070.71	\$199.03	\$366,269.74	\$35,946.26	30%	0	Deletion of Asphalt Striping and addition of 1" of asphalt from 79th Street to 81st Street as a means of reinforcing surfacing for anticipated heavy traffic	
North Shore Open Space Park - Phase II	ro.	5/19/03	\$366,269.74	(\$6,770.40)	\$359,499.34	\$42,716.66	100%	0	Credit for 7,440 square feet of defective asphalt.	
North Shore Park and Youth Center	-	4/11/02	\$5,659,357.00	\$6,000.00	\$5,665,357.00	\$307,168.00	3%		To hire a locator service to locate and identify underground utilities	
North Shore Park and Youth Center	2	4/29/02	\$5,665,357.00	\$4,480.00	\$5,669,837.00	\$302,688.00	2%		To dispose of sports lighting poles and selected foundations (Park Portion)	
North Shore Park and Youth Center	ဗ	4/29/02	\$5,669,837.00	\$12,086.00	\$5,681,923.00	\$290,602.00	2%		To provide separate electrical meter services for the Tennis Center as requested by the Parks & Rec. Dept. (Park Portion)	
North Shore Park and Youth Center	4	8/5/02	\$5,681,923.00	\$89,776.00	\$5,771,699.00	\$290,602.00	11%	0	To include value engineered items back in the project: different locker construction, alternate door construction and size, alternate wood gymnasium floors and construction of 2 additional tennis courts (originally anticipated). Funded through GO Bond funds reallocated after addition of CDBG funds.	
North Shore Park and Youth Center	ιC	8/5/02	\$5,771,699.00	\$321,526.00	\$6,093,225.00	\$290,602.00	11%	0	To include sport lighting for the project (originally anticipated). Funded through GO Bond funds reallocated after addition of CDBG funds.	
North Shore Park and Youth Center	ဖ	8/9/02	\$6,093,225.00	\$61,965.00	\$6,155,190.00	\$228,637.00	15%	0	To provide 6 storm drain retention tanks to meet DEP requirements.	
North Shore Park and Youth Center	7	8/21/02	\$6,155,190.00	\$21,076.00	\$6,176,266.00	\$207,561.00	18%	0	To relocate the and upgrade the existing FPL Transformer	
North Shore Park and Youth Center	ω	10/24/02	\$6,176,266.00	\$10,939.00	\$6,187,205.00	\$196,622.00	30%	24	Relocation of 5 pigeon plums as requested by DERM and additional exit lights within the Tennis Center as requested by The Building Department	100
North Shore Park and Youth Center	တ	11/13/02	\$6,187,205.00	\$38,872.00	\$6,226,077.00	\$196,622.00	38%	0	Additional 2 clay tennis courts for total of 12 courts. Funding came from North Beach Quality of Life/Resort Tax Fund	
North Shore Park and Youth Center	10	1/8/03	\$6,226,077.00	\$1,403.00	\$6,227,480.00	\$195,219.00	%09	108	Cost for stand alone fire alarm system for Tennis Center (\$7,830), credit for changes to main sewer line (-\$2.027.52), and raising top of footing elevation at Youth Center and Gymnasium (-\$4.400)	
North Shore Park and Youth Center	7	1/8/03	\$6,227,480.00	\$11,447.00	\$6,238,927.00	\$183,772.00	20%	0	Additional exit signs for Tennis Center (\$1,857) and reconfiguration of storm drainage system (9,590)	
North Shore Park and Youth Center	12	1/8/03	\$6,238,927.00	\$28,548.00	\$6,267,475.00	\$155,224.00	20%	0	Additional data services requested by owner, upgrade of window color, and location of a drain at practice tennis court	
North Shore Park and Youth Center	13	2/14/03	\$6,267,475.00	\$6,272.00	\$6,273,747.00	\$148,952.00	25%		Additional phone conduit & receptacle (owner request), concrete pad for FPL electric transformer, and structural change to support A/C ducts in Gym north wall	
North Shore Park and Youth Center	4	5/19/03	\$6,273,747.00	\$30,464.00	\$6,304,215.00	\$136,242.00	75%	0	1. Provision of gypsum drywall ceiling for Tennis Center restrooms-\$1,290; 2. Inclusion of Value Eng. Item 16R - \$17,754; 3. Exterior paint color sample -\$237; 4. Removal of trees \$1,881.25; 5. Additional 4" roof drain-\$1,616; 6. Tennis court irrigation line \$3,773; 7. Additional roof insulation-\$1,773.75; 8. Two(2) 2" PVC Duct Bank-\$2,138.60	

Bolded items reflect Change Orders that have occurred since the last General Obligation Bond Oversight Committee meeting.

		Date of	Contract	Change	Contract	Remaining	% of Project	#	
Project	# 00	Q.		Amount	Amount	Contingency	(approx.)	Days	Purpose
North Shore Park and Youth Center	51	6/10/03	\$6,304,215.00		\$6,370,679.00	1]		1.Drop ceiling in Tennis Center- \$748; 2. Provision of access ladder to access the roof \$3,333; 3. Construction of 4 dugouts-\$57,502; 4. Installation of additional strobe lights- \$4,881. Additional 20 days was granted for construction of dugouts.
North Shore Park and Youth Center	<u>6</u>	7/15/03	\$6,370,679.00	\$24,045.00	\$6,394,724.00	\$81,228.00	75%	31	1. Relocation of 2 light poles at the Tennis Center \$12,220 - 2. Addition of 6 area drains on the north side of the Tennis court area to introduce an underground drainage system.
North Shore Park and Youth Center	17	7/15/03	\$6,394,724.00	\$7,750.00	\$6,402,474.00	\$73,478.00	75%	6	1. Sidewalk addition to provide access to the entry ramps south of the building - \$7,075; 2. Addition of sprinkler heads requested by Fire Inspector - \$1,753; 3. Credit for deletion of stucco at Youth Center West wall - (\$1,078). Contract time will be increased 10 days for Phase 3 and 31 days for Phase 2.
North Shore Park and Youth Center	18	8/25/03	\$6,402,474.00	\$6,219.00	\$6,408,693.00	\$67,259.00	85%	0	Four picket gates at North and South Entrances not shown on contract documents.
North Shore Park and Youth Center	19	8/25/03	\$6,408,693.00	\$19,298.00	\$6,427,991.00	\$47,961.00	85%	0	Install two rain water scuppers and additional roofing at West Entrance. Enclosure of ductwork a gymnasium.
Scott Rakow Youth Center	-	3/14/02	\$2,845,700.00	\$47,300.00	\$2,893,000.00	\$0.00	10%		Alternates 1, 2 and 4 for Phasing plan, outdoor rubber flooring and landscaping
Scott Rakow Youth Center	7		\$0.00	\$0.00	\$0.00	\$0.00	%0		VOIDED
Scott Rakow Youth Center	ო	2/19/02	\$2,893,000.00	\$0.00	\$2,893,000.00	\$0.00	30%	68	89 day time extension
Scott Rakow Youth Center	4	2/19/02	\$2,893,000.00	(\$36,008.00)	\$2,856,992.00	\$0.00	20%		Delete elevator and folding partitions
Scott Rakow Youth Center	ς.	9/14/02	\$2,856,992.00	\$29,700.00	\$2,886,692.00	\$250,000.00	%09		Relocate utilities, additional electrical service to ice rink, reroute Bell South underground service
Scott Rakow Youth Center	9	9/24/02	\$2,896,692.00	\$36,008.00	\$2,932,700.00	\$213,992.00	%02		Adding back in the elevator and folding partitions
Scott Rakow Youth Center	_	9/24/02	\$2,922,700.00	\$160,595.00	\$3,083,295.00	\$53,397.00	%02		Rerouting storm pipe, additional fire devices and fixtures, repairs to broken water main, remobilization for auger cast piles, paint locker room walls and ceilings, relocation of pedestrian crossing signal, repair of BellSouth lines, repair concrete beams, Zamboni water heater, Water Absorption Tank and monitoring system, rerouting conduit, HVAC unit roof frame, delete basketball court floor replacement work, new foundation for north stairs, modifications to roof and roof structure
Scott Rakow Youth Center	80	11/8/02	\$3,083,295.00	\$9,306.25	\$3,092,601.25	\$4,166.00 *	%08	0	Installation of louvered door at mechanical room
 Specific costs were paid out of project contingency to FPL, Bell South, P a change order to the Contractor. 	paid ou ontract	t of project (tor.	contingency to FP	L, Bell South,	PSI Geotechnica	ıl, Threshold Ins	spector. These	costs	SI Geotechnical, Threshold Inspector. These costs were not paid through the contractor and therefore would not be a part of
Scott Rakow Youth Center	6	1/8/03	\$3,092,601.25	(\$21,016.08)	\$3,071,585.17	\$25,182.08	85%	0	Credit for security guard services and amonia monitoring system. System will be monitored through Fire Alarm panel.
Cook Delease Veriate		00/0/7	** 014 FOT 41	70770	00 000 000	10000		ľ	

Electrical wiring modifications for existing pool and restrooms; furnish and install new light fixture at entrance; furnish and install new 480v/60amp electrical feeder for new water heater and pump at Zamboni room 0 85% \$13,337.27 \$11,844.81 \$3,083,429.98 \$3,071,585.17 1/8/03 9 Scott Rakow Youth Center

Bolded items reflect Change Orders that have occurred since the last General Obligation Bond Oversight Committee meeting.

Contractor's portion of Safety Surface Installation		100%	\$6,277.89	\$423,717.66	(\$1,800.00)	\$425,517.66	11/1/01	3	Tatum Park
sports and security lighting (originally anticipated)		81%	\$4,477.89	\$425,517.66	\$33,012.05	\$392,505.61	2/23/00	2	latum Park
new basketball court (originally anticipated)				\$392,505.61		\$341,518.36	2/23/00	_	l atum Park
room/water tower, sand layer for ice rink floor, new emergency/exit lights, room/water tower, sand layer for ice rink floor, new emergency/exit lights, ice rink floor watering, modifications to sanitary line, wall rail at ramp landing, ramp lighting relocation, connection of ammonia discharge fan to ammonia panel, new louvers for locker room doors, addititional horn strobes, exhaust fan connection to fire alarm panel, connection of HVAC units to EMS, and owner requested changes (replacement of curb, sidewalk continuation and interior signage for \$17,469. Additional funding 45,00 000 added to cover costs of these COs	D		6.10.14	0000	000	00000000000000000000000000000000000000			Center
Purpose	Days	(approx.)	Contingency	Amount	Amount	\$2 003 420 00	Approval	# -	Scott Rakow Youth
	# of	Complete	Remaining	Contract	Order	Contract	Date of		
		% of Project		Revised	<u>Change</u>	<u>Original</u>			-

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed T	itle:		
A Resolution A	Authorizing The City Manager	To Resubmit And A	ccept Two (2) Grants.
lssue:			
Shall the City a	apply for the following grants?		
ltem Summai	y/Recommendation:		
The Administra	ation Requests Approval To Re	esubmit Applications	For The Following Grant Funding: 1) The
Department Of	f Environmental Protection For	r Fiscal Year 2004-0	5 House Bill 851 Water Project Funds For
Citywide Stor	mwater And Wastewater II	ntrastructure Impro	ovements; 2) Florida Department Of on Road; While Leveraging Previously
Appropriated (City Funds As Needed: Further	· Appropriating The C	Grants If Approved And Accepted By The
City And Autho	orizing The Execution Of All N	ecessary Document	ts Related To These Applications.
	and ad That The City Commiss	vion Authoriza The C	ity Manager To Apply For These Funds.
It is Recomme	ended That The City Commiss	SION AUDITZE THE C	nty Manager 107 ppy 1 of 111000 1 ande.
Advisory Boa	ard Recommendation:		
N/A			
Financial Info	rmation:		
Source of	Grant Name/Project	Amount	Match Fund Account
Funds:			
8	House Bill 851	\$6,000,000	No Match Required
or		£427.046	GO Bond Fund
Finance	Highway Beautification	\$137,946	GO Bolid Fulld
Dept.			
	Assist year the mane spinitum of the season was regarded in the dealer	<u> </u>	
	Office Legislative Tracking	g:	
Judy Hoansh	elt		
Sign-Offs:			
Departm	ent Director Assi	stant City Manage	r City Manager
1 alean	shot may	par O. Beetlas	avole Jan
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T:\AGENDA\2003\DE	EC1003\CONSENT\grants item summ.doc		V

AGENDA ITEM <u>C7A</u>

DATE <u>12-10-03</u>

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 10, 2003

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO RESUBMIT GRANT APPLICATIONS FOR THE FOLLOWING FUNDS: 1) DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR FISCAL YEAR 2004-05 HOUSE BILL 851 WATER PROJECT FUNDING; 2) FLORIDA DEPARTMENT OF TRANSPORTATION, FOR HIGHWAY BEAUTIFICATION FUNDING FOR ALTON ROAD; WHILE LEVERAGING PREVIOUSLY APPROPRIATED CITY FUNDS AS NEEDED; FURTHER APPROPRIATING THE GRANTS IF APPROVED AND ACCEPTED BY THE CITY AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS RELATED TO THESE

APPLICATIONS.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

1. Approval To Resubmit Applications To The Department Of Environmental Protection For Fiscal Year 2004-05 House Bill 851 Water Project Funds For City Projects In The Total Amount Of \$6,000,000

The Florida Legislature created a new funding process for various types of water projects through the passage of House Bill 851 (now Section 403.885, Florida Statutes) during the 2002 session. The Bill provides funding for stormwater, wastewater, surface water and other water improvement projects that protect public health and the environment.

Last year, the City submitted two applications in total to this program, one for Citywide Stormwater Infrastructure Improvements in the amount of \$5,000,000 and the second one for Citywide Wastewater Infrastructure Improvements in the amount of \$1,000,000. Due to the unfortunate incident of the September 11, 2001 attacks, the State Legislature pulled funding from many grant programs and diverted them to Homeland Security needs. The House Bill 851 program was one of the programs that was not funded last year by the Florida Legislature. Recently, the City has been contacted by the State to resubmit our application this year.

As part of this process, the City's applications will be sponsored by representatives in the Florida House and Senate as part of the Community Budget Issue Request process. Only sponsored applications will be funded. The Florida Legislature will consider funding for these projects during the 2004 session as part of the appropriations process. All appropriations are then subject to the Governor's review. This program does not require matching funds.

2. <u>Approval To Resubmit A Grant Application To The Florida Department Of Transportation For Landscaping Funds In The Amount of \$137,946 For The Beautification Of Alton Road.</u>

On February 21, 2000, the City Commission approved the selection of the Corradino Group to complete a traffic calming study for Alton Road. The Alton Road Traffic Calming Study was prepared in response to numerous requests made over the past several years by the Alton Road Homeowners Association. Alton Road is under the control and jurisdiction of the Florida Department of Transportation (FDOT), and is defined as a minor arterial road, which also serves as the City's primary hurricane evacuation route. The purpose of the Study was to identify applicable traffic calming strategies and techniques for Alton Road, between Michigan Avenue and Indian Creek Drive, with its main objectives being: 1) to reduce the occurrence of speeding, therefore enhancing the neighborhood's livability; 2) to assess the implication of using traffic calming measures on the corridor, given its function as an arterial roadway and hurricane evacuation route; 3) to assess the probable impacts of Alton Road traffic calming on the adjacent roadways; and 4) to provide the City with recommendations as to the implementation of a successful traffic calming plan. The Council awards grants for landscaping projects on State Roadways, such as Alton Road.

Due to the unfortunate incident of the September 11, 2001 attacks, the State Legislature pulled funding from many grant programs and diverted them to Homeland Security. The Highway Beautification Council Grant Program was among the programs not funded last year. The City has now been contacted by Florida regarding the 2004 funding process, and advised to resubmit our application.

The application is for funding in the amount of \$137,946 to landscape portions of the Alton Road Corridor from Michigan Avenue to 63^{rd} Street. The grant, if awarded, requires a 50% local match. The Administration has identified previously appropriated GO Bond funds as being the funding source for the local match portion of this project. The City of Miami Beach will be responsible for the maintenance of the landscaping as required by FDOT regulations. The City has already completed landscaping construction drawings for the grant application and the item was presented to and approved by the General Obligation Bond Oversight Committee on Monday, October 8, 2001.

Therefore, the Administration recommends that the Mayor and City Commission approve a Resolution authorizing the City Manager or his designee to resubmit the following applications for grant funds to: 1) Department Of Environmental Protection For Fiscal Year 2004-05 House Bill 851 Water Project Funding; and, 2) Florida Department Of Transportation for funding in the amount of \$137,946 for the beautification of Alton Road, to be matched General Obligation Bond Funding.

JMG:MDB:JH: TH:FB

RESOLUTION NUMBER

RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH. FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO RESUBMIT GRANT APPLICATIONS FOR THE FOLLOWING FUNDS: 1) DEPARTMENT OF **ENVIRONMENTAL PROTECTION FOR FISCAL YEAR** 2004-05 HOUSE BILL 851 WATER **PROJECT FUNDING:** 2) FLORIDA DEPARTMENT TRANSPORTATION, FOR HIGHWAY BEAUTIFICATION FUNDING FOR ALTON ROAD; WHILE LEVERAGING PREVIOUSLY APPROPRIATED CITY FUNDS AS **NEEDED: FURTHER APPROPRIATING THE GRANTS** IF APPROVED AND ACCEPTED BY THE CITY AND **AUTHORIZING THE EXECUTION OF ALL NECESSARY** DOCUMENTS RELATED TO THESE APPLICATIONS

WHEREAS, the Florida Legislature created a new funding process for various types of water projects through the passage of House Bill 851 (now Section 403.885, Florida Statutes) which provides funding for stormwater, wastewater, surface water and other water improvement projects; and

WHEREAS, last year, the City submitted two applications to this program; and

WHEREAS, due to the unfortunate incident of the September 11, 2001 attacks, the State Legislature pulled funding from many grant programs and diverted them to Homeland Security needs, House Bill 851 program was one of the programs that was not funded last year by the Florida Legislature; and

WHEREAS, the Administration proposes reapplying this year for these funds in the amount of \$5,000,000 for stormwater improvements and \$1,000,000 for wastewater improvements; and

WHEREAS, this program does not require matching funds; and

WHEREAS, on February 21, 2000, the City Commission approved the selection of the Corradino Group to complete a traffic calming study for Alton Road in response to numerous requests made residents; and

WHEREAS, Alton Road is under the control and jurisdiction of the Florida Department of Transportation (FDOT); and

WHEREAS, the Highway Beautification Council awards grants for landscaping projects on State Roadways, such as Alton Road; and

WHEREAS, due to the unfortunate incident of the September 11, 2001 attacks, the State Legislature pulled funding from many grant programs and diverted them to Homeland Security, the Highway Beautification Council Grant Program was among the programs not funded last year; and

WHEREAS, the Administration proposes resubmitting our application for funding in the amount of \$137,946 to landscape portions of the Alton Road Corridor from Michigan Avenue to 63rd Street; and

WHEREAS, the grant, if awarded, requires a 50% local match and the Administration has identified previously appropriated GO Bond funds as being the funding source for the local match portion of this project; and

WHEREAS, the City of Miami Beach will be responsible for the maintenance of the landscaping as required by Florida Department Of Transportation regulations; and

NOW, THEREFORE BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA hereby authorize the City Manager or his designee to resubmit grant applications for the following funds: 1) Department of Environmental Protection funding for Fiscal Year 2004-05 House Bill 851 Water Project Funds; 2) Florida Department of Transportation, for Highway Beautification funding for Alton Road; while leveraging previously appropriated City funds as needed; further appropriating the grants if approved and accepted by the City and authorizing the execution of all necessary documents related to these applications.

PASSED and ADOPTED this	day of	, 2003.
	_	Mayor
ATTEST:	FORM	OVED AS TO & LANGUAGE R EXECUTION
CITY CLERK	City Atlong	7 /2 & 12/403 Date

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

A resolution authorizing the execution of an agreement with EDAW in the not to exceed amount of \$86,000 for the provision of planning services for the G.O. Bond funded Miami Beach Botanical Garden Improvement Project.

Issue:

Should the Mayor and City Commission authorize the execution of a professional services agreement with EDAW in the not to exceed amount of \$86,000 for the planning of G.O. Bond funded improvements to the City of Miami Beach Botanical Garden?

Item Summary/Recommendation:

On November 13, 2002, the City Commission authorized the issuance of an RFQ for design firms for architecture, landscape architecture, and engineering services needed to plan, design, and construct G.O. Bond funded improvements to the Miami Beach Botanical Garden. RFQ No. 08-01/02 was issued on December 19, 2002 and six firms responded: (1) EDAW, Inc.; (2) Heery International, Inc.; (3) Indigo Service Corporation; (4) RMPK Group; (5) Susan Nelson and Warren Byrd Landscape; and (6) Wallace Roberts and Todd, LLC.

An Evaluation Committee appointed by the City Manager selected EDAW as the top-ranked firm based on their experience and qualifications. EDAW is an internationally recognized planning firm known for their innovative approach to botanical garden projects and their understanding of the American Association of Museums accreditation process. The City Commission on 07/02/03 approved the Evaluation Committee's recommendation and authorized staff to negotiate a contract with EDAW. The City utilized engineering management consultant Pappas and Associates in negotiating a fee for the agreement. negotiations, it became clear that it would be difficult to quantify design costs of improvements that had not been clearly identified yet. Fee negotiations were therefore limited to the planning phase. Once desired and fundable improvements are identified, the fee for construction design and administration can be negotiated. A planning fee of \$86,000 (Attachment A) was negotiated and is recommended by Pappas and Associates (Attachment B) as well as project Program Manager URS Corporation. Because the \$86,000 fee represents a higher percentage of total project funding than is usually allocated for project planning, City staff met with members of the Garden Conservancy to determine if there were project elements which were likely not achievable and which could be removed to reduce the planning fee. However, meeting attendees were unable to identify scope components which could be eliminated or postponed to future phases without having first undertaken a comprehensive planning effort. The Conservancy members supported the fee given the challenge of prioritizing multiple scope elements and accommodating them on the relatively small project site. In a letter of commitment dated November 18th, 2003 (Attachment C), the Conservancy also pledged to reimburse the City \$10,000 of the proposed \$86,000 fee to demonstrate their support for the project and restated their commitment to raising the substantial additional project funding that will be required to implement all of the project elements. The Administration recommends the approval of the agreement.

Advisory Board Recommendation:

The G.O. Bond Committee recommended approval of the item at their December 1, 2003 meeting.

Financial Information:

Source of	Amou	nt Account	Approved
Funds:	1 \$86,000	G.O. Bond	
	2		
	3		
·	4		

City Clerk's Office Legislative Tracking:

Donald P. Shockey

Sign-Offs:

Department Director Assistant City Manager City Manager

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AGENDA ITEM _ C7B

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 10, 2003

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH EDAW IN THE NOT TO EXCEED AMOUNT OF

\$86,000 FOR THE PROVISION OF PLANNING SERVICES FOR THE MIAMI BEACH BOTANICAL GARDEN IMPROVEMENT PROJECT WITH FUNDING PROVIDED BY THE SERIES 2000 GENERAL OBLIGATION

BOND.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On November 13, 2002, the City Commission authorized the issuance of a RFQ No. 18-01/02 to solicit Qualification Statements from design firms for architecture, landscape architecture, and engineering services needed to plan, design, and construct G.O. Bond funded improvements to the Miami Beach Botanical Garden. The RFQ was issued on December 19, 2002 and six firms responded: (1) EDAW, Inc.; (2) Heery International, Inc.; (3) Indigo Service Corporation; (4) RMPK Group; (5) Susan Nelson and Warren Byrd Landscape; and (6) Wallace Roberts and Todd, LLC.

An Evaluation Committee appointed by the City Manager met and reviewed the proposals, ranked and heard presentations from the top three firms, and then selected EDAW as the top-ranked firm based on the experience and qualifications of their team. EDAW is an internationally recognized planning firm known for their innovative approach to botanical garden projects and their understanding of the American Association of Museums accreditation requirements and process which will be extremely valuable in working to meet the Garden Conservancy's goal of eventually being accredited by the Association.

The City Commission approved the Evaluation Committee's recommendation at their July 2, 2003 meeting and authorized staff to negotiate a contract with EDAW. The City utilized the services of engineering management consultant Pappas and Associates to negotiate a fee for the agreement. In the course of negotiations, it became clear that it would be difficult to accurately quantify the costs of designing improvements that had not been specifically identified yet.

Commission Memorandum Botanical Garden AE Contract Award December 10, 2003 Page 2 of 2

For this reason, the fee negotiations were limited to the planning phase of the project which addresses both funded and un-funded improvements. A total of \$1.5 million in G.O. Bond funds is allocated for the project, and it is anticipated that additional funding will be identified, including a previously awarded but subsequently deferred State of Florida cultural facilities grant of \$500,000. For the planning phase of the project, a fee of \$86,000 (as detailed in Attachment A) was negotiated and is recommended by Pappas and Associates (Attachment B) as well as URS Corporation, the City's Program Manager for the project.

Although the typical project planning effort focuses primarily on funded improvements, the proposed planning effort will include the study of currently unfunded project components that are anticipated to be implemented through additional future project phases. Therefore the proposed \$86,000 fee represents a higher percentage of total available funding than is usually allocated for a project planning effort. City staff met with members of the Miami Beach Garden Conservancy to determine if there were elements of the project scope of work which were likely not achievable and which could be removed to reduce the planning fee. However, staff and Conservancy representatives were unable to identify scope components which could be eliminated or postponed to future phases without having first undertaken a comprehensive planning effort.

Conservancy representatives support the negotiated planning fee as appropriate given the challenge of prioritizing the multiple scope elements and accommodating them on the relatively small project site. In a letter of commitment dated November 18th, 2003 (Attachment C), the Conservancy also pledged to reimburse the City for \$10,000 of the proposed \$86,000 fee to demonstrate their support for the project in general. The letter also restates the Conservancy's commitment to raising the substantial additional project funding that will be required to implement all of the project elements that will be identified in the planning phase.

It is deemed appropriate to engage EDAW to complete the full planning effort to properly integrate the funded project with the additional unfunded phases, given the Conservancy's commitment to obtain funding for the latter phases of the project. Once the planning phase is completed and the actual desired and fundable improvements are identified, it will be possible to accurately negotiate the fee for construction design and construction administration.

The G.O. Bond Oversight Committee voted to recommend that the City Commission approve the item at its December 1, 2003 meeting.

The Administration recommends approval of the agreement.

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RESOLUTION NO.	
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A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH EDAW IN THE NOT TO EXCEED AMOUNT OF \$86,000 FOR THE PROVISION OF PLANNING SERVICES FOR THE MIAMI BEACH BOTANICAL GARDEN IMPROVEMENT PROJECT WITH FUNDING PROVIDED BY THE SERIES 2000 GENERAL OBLIGATION BOND.

WHEREAS, On November 13, 2002, the City Commission authorized the issuance of a RFQ No. 18-01/02 to solicit Qualification Statements from design firms for architecture, landscape architecture, and engineering services needed to plan, design, and construct G.O. Bond funded improvements to the Miami Beach Botanical Garden; and

WHEREAS, the RFQ was issued on December 19, 2002 and six firms responded: (1) EDAW, Inc.; (2) Heery International, Inc.; (3) Indigo Service Corporation; (4) RMPK Group; (5) Susan Nelson and Warren Byrd Landscape; and (6) Wallace Roberts and Todd, LLC; and

WHEREAS, an Evaluation Committee appointed by the City Manager met and reviewed the proposals, ranked and heard presentations from the top three firms, and then selected EDAW as the top-ranked firm based on the experience and qualifications of their team; and

WHEREAS, EDAW is an internationally recognized planning firm known for their innovative approach to botanical garden projects and their understanding of the American Association of Museums accreditation requirements and process which will be extremely valuable in working to meet the Garden Conservancy's goal of eventually being accredited by the Association; and

WHEREAS, the City Commission approved the Evaluation Committee's recommendation at their July 2, 2003 meeting and authorized staff to negotiate a contract with EDAW; and

WHEREAS, because it became clear in the course of negotiations that it would be difficult to accurately quantify the costs of designing improvements that had not been specifically identified yet, fee negotiations were limited to the planning phase of the project which will address both funded and un-funded improvements; and

WHEREAS, a fee of \$86,000 for the planning phase of the project was negotiated and recommended by Pappas and Associates as well as URS Corporation, the City's Program Manager for the project; and

WHEREAS, although the typical project planning effort focuses primarily on funded improvements, the proposed planning effort will include the study of currently unfunded project components that are anticipated to be implemented through additional future project phases; and

WHEREAS, because the proposed \$86,000 fee represents a higher percentage of total available funding than is usually allocated for a project planning effort, City staff met with members of the Miami Beach Garden Conservancy to determine if there were elements of the project scope of work which were likely not achievable and which could be removed to reduce the planning fee; and

WHEREAS, staff and Conservancy representatives were unable to identify scope components which could be eliminated or postponed to future phases without having first undertaken a comprehensive planning effort; and

WHEREAS, conservancy representatives support the negotiated planning fee as appropriate given the challenge of prioritizing the multiple scope elements and accommodating them on the relatively small project site; and

WHEREAS, in a letter of commitment dated November 18th, 2003, the Conservancy pledged to reimburse the City for \$10,000 of the proposed \$86,000 fee to demonstrate their support for the project in general and restated the Conservancy's commitment to raising the substantial additional project funding that will be required to implement all of the project elements that will be identified in the planning phase; and

WHEREAS, it is deemed appropriate to engage EDAW to complete the full planning effort to properly integrate the funded project with the additional unfunded phases, given the Conservancy's commitment to obtain funding for the latter phases of the project.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission authorize the execution of an agreement with EDAW in the not to exceed amount of \$86,000 for the provision of planning services for the Miami Beach Botanical Garden improvement project with funding provided by the series 2000 General Obligation bond in form and substance approved by the City Manager and City Attorney.

PASSED, ADOPTED AND APPROVED this 10th day of December, 2003.

ATTEST:	MAYOR:	
CITY CLERK		APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
		MMML 12-4-03 City Attorney Date

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ATTACHMENT A

SCHEDULE B CITY OF MIAMI BEACH PARKS AND FACILITIES PROGRAM A-E CONSULTANT CONSULTANT'S COMPENSATION FEE SCHEDULE MIAMI BEACH BOTANICAL GARDEN - PLANNING PHASE ONLY

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PROJ DIR./ PRINC. Alvarez	00 0	- 2	880-0 -	4 0	0000-404	φ <u> </u>	\$8,958
rksk NG Preliminary Assignments	A. DATA GATHERING RICKOFF MEETING RICKOFF MEETING RICKOFF MEETING AAM ACCREDITATION REQUIREMENTS REVIEW SURVEY BY OTHERS (COORDINATION ONLY) OTHER DATA GATHERING - SITE REVIEW, AABGA, AAM, ETC	SUBTOTAL. B. WORKSHOP NO. 1 ONE DAY WORKSHOP WITH CITY STAFF, URS & MBGC TO ESTABLISH A QUANTIFIED PROGRAM; PLUS FOLLOW UP KVISION STATEMENT. GOALS. DESIGN PROGRAM). SUBTOTAL	C. DEVELOP PRELIM. CONCEPT PLANS / ALTERNATIVES THREE CONCEPTS - PLAN DRAWINGS/DIAGRAMS IMAGE BOARDS / VIGNETTE SKETCHES FOR DESIGN CHAR. NARRATIVE DESCRIPTION IMEMO! CONCEPTUAL COST ESTIMATES EVALUATION MATRIX ALLOW 1 ADDITIONAL MEETING TASK ADMINISTRATION SUBTOTAL.	D. WORKSHOP 2 1/2 DAY WORKSHOP FOLLOWUP (MEETING NOTES / SKETCH OVERLAY OF PREF. PLAN) SUBTOTAL E. FINAL CONCEPT PLAN	CONCEPTUAL SITE PLAN PROGRAM DIAGRAM ILUSTRATIVE SITE PLAN NEW BUILDING CONCEPTUAL PLAN & SECTIONS / SKETCHES 77 EXISTING BUILDING RE USE 77 CONCEPTUAL PLAN, SKETCHES 77 NARRATIVE DESCRIPTION PRELIMINARY BUDGET ESTIMATE PRESENTATION TO STAFF / URS / MBGC REVISION PRESENTATION TO CITY COMMISSION	ALLOW Z ADDITONAL MEETINGS TASK ADMINISTRATION & QA SUBTOTAL SUBTOTAL FEE REIMBURSEABLES REPRODUCTION OF DELIVERABLES	TOTAL HOURS TOTAL FEE ESTIMATE

ATTACHMENT B



"James pappas" < thepappasgroup@ear thlink.net>

09/11/2003 06:09 PM

To: "Shockey, Donald" < DonaldShockey@miamibeachfl.gov >

cc: < Todd Osborn@urscorp.com>,

< KristinMckew@miamibeachfl.gov > ,

< TimHemstreet@miamibeachfl.gov >

Subject: Botanical Garden Fee Analyis

Donald:

I have reviewed the latest fee proposal submitted by EDAW, inc.

At an estimated construction budget of 1.7 million dollars, the fee proposal for Planning is too high(\$94,037 v \$34,000)

It is my understanding that restoration of the Garden may ultimately result in a construction budget estimate of 6 million dollars.

It is doubtful that the City would be able to come up with the 6 million dollars, though I am sure that a planning effort should go beyond the present budget ed amount of 1.7 million dollars for construction. Accordingly, I believe that the City may be able to ultimately find 4 million dollars for construction. Thus a four million dollar construction budget (two Phases, 1.7 million dollars and 2.3 million dollars) should be the basis for the Planning effort, and not the 1.7 million dollars. Also, it would mean that the A/E firm selected to do the Planning should make sure that it has a true understanding of the renovation needs; i.e., 4 million dollars and not an ultimate wish list of 6 million dollars. Accordingly, if the City of Miami Beach looked at this project a little differently; i.e., the fee should be a little higher, because of extensive public involvement in a neighborhood park/ botanical garden restoration project, as compared to the typical residential neighborhood improvements project.

Using a Construction Budget of 4 million dollars, the Planning phase should cost the City no more than \$ 86, 000, and not the \$94,037 proposed by EDAW. Quite frankly, EDAW needs to sharpen the pencil. Thus the Planning will be 2.15 % of the total construction budget, and not the max of 2% that has been used on other projects. How EDAW accomplishes this \$8037 reduction in the Planning effort, will be up to them.

Though we have not received a final proposal from EDAW on performance of other tasks, again, if we used a 4 million dollar construction budget, the following could be accomplished:

Task 1 Planning 2.15% = \$86,000

Task 2 Design 6.3% = \$252,000

Task 3 Bidding & Award. 1.6%

Task 4 Const.Admin. for Tasks 3, 4, 5

Task 5 Direct Costs (64,000)

Estimated Costs 10.05 % \$402,000

It is my professional recommendation that the City of Miami Beach enter into a contract with EDAW, Inc. in the NOT TO EXCEED amount of \$ 86,000 for completion of the Planning tasks associated with the restoration of the Botanical Garden. The basis for this recommendation centers around the City finding an additional \$2.3 million for construction purposes for a total construction budget estimate of \$ 4.0 million, instead of the \$1.7 million, presently being considered. The \$86, 000 is a reasonable, fair, and equitable fee for the successful completion of the Planning tasks associated with this project.

Respectfully submitted,

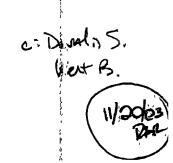
Jim Pappas, PE, President and Chief Engineer for the firm

CC: Todd Osborn Program Manager, URS Corporation,

Kristin McKew COMB CIP Program Tim Hematreet COMB CIP Program

ATTACHMENT C





November 18, 2003

Mr. Jorge Gonzalez City Manager City of Miami Beach 1700 Convention Center Drive Miami Beach, FL 33139

Dear Jorge:

In response to the request presented to the Conservancy at our meeting on November 3, 2003, we submit the following information for your review:

Scope of Work:

We have reexamined the document submitted one year ago to Capital Projects and find that the word "auditorium" is misleading. (See our Scope document Page 2, bullet #4). We would like to change that bullet to read:

• Expandable/dividable all purpose room to be used for meetings, classes, gatherings and art performances with audio/video capabilities.

We realize the Scope of Work document we prepared will need to be altered during the workshop meetings with the Architect. At that time we will have a better idea of the hard and soft costs of this project and can modify accordingly. The Conservancy members remain adamant that a total design is imperative for phase 2 and 3 fundraising and that the facility be incorporated into the final design allowing it to become a part of the Garden itself.

To fulfill our stewardship role, it is the Conservancy's objective during the building years to always provide the public with an attractive Garden. We are committed to complete each phase separately never leaving the City with an embarrassing eyesore. Our plan to complete Phase 2 and 3 is through Grants, donations, sponsorships and fund raisings. If there are City Funds available through other programs we will ask to be included but if there is no funding available we intend to raise the money ourselves. It is imperative that we have an overall concept plan to begin our fundraising campaign.

Designer Fee Issue:

The Miami Beach Conservancy is committed to creating a fully accredited Botanical Garden. We have a vision, but we are also rooted in reality. Good gardeners know that you have to plant seeds at the right time and with patience and perseverance watch them grown into a thing of beauty.

During the past years the City formed a Selection Committee who rated EDAW as the number one choice. We want to move forward on obtaining a total concept design and respectfully request that you pass this on to the G.O. Bond Committee and then on to the City Commission for approval.

At our November 12th meeting our Board of Directors unanimously agreed that the Conservancy would contribute \$10,000 to the GO Bond \$76,000 for a total design cost of \$86,000 design. Please advise us, at our convenience, to whom and when our check for \$10,000 should be paid.

We enclose for your review our Treasurer's Report. Please note that during this year the City will be contributing 45% (\$152,475) of the cost to run the Garden. The Conservancy is raising \$184,000 to cover the remaining operating funds required. Truly this is an example of a public-private partnership at its best. We urge you to assist us in obtaining this master plan so that we can implement a fundraising program and move on to the next level.

Sincerely,

Barbara A. Knaub
On behalf of the Miami Beach Garden Conservancy

Executive Board

Donna O'Higgins President
Richard Toledo Vice-President
Steve Grundstein Secretary

Barbara Knaub Treasurer & Facility Chair

Randy Barney Horticulture Chair
Sheila Kelly Education & Arts Chair
Laura Jamieson Executive Director

Board of Directors

Helene Owen

Cindy Areford

Elizabeth Boone

Susan Rothchild

Lisa Challenger

Israel Sands

Marc Cohen

David Siegel

Victoria DiNardo- Montifiore

Marjorie Weber

Mary Harriman

Susanne Wheatley

C.C. Christina Cuervo, Kent Bonde, Tim Hemstreet, Donald Shockey, Ronnie Singer

Miami Beach Garden Conservancy Treasurer's Report 11/14/2003

	<u> 10/1/02 - 9/30/03</u>	<u> 10/1/03 — 9/30/04</u>
		Projection
Income		
City of Miami Beach Contribution	160,500	152,475
Donations	24,236	24,000
Fund Raising Events	37,153	42,000
Grants	24,088	34,000
Membership	9,123	22,000
Rental Revenue	47,718	60,000
Misc. Sales	1,868	2,000
Total Income	304,687	336,475
Expense		
Accounting/Bookkeeping	13,915	10,000
Administration	12,916	. 13,000
Facility Maintenance	37,437	39,000
Insurance/Facility	5,020	6,000
Payroll & Casual Labor	145,818	180,750
Phone/Computer & Security	7,087	9,000
Arts Program Expense	2,407	2,500
Education Program Expense	1,935	2,000
Fund Raising Events Expense	20,781	20,000
Grant Expense	4,076	6,800
Marketing Expense	6,262	8,000
Rental Expense	6,255	10,000
Designer Fee Contribution	0	<u>10,000</u>
Total Expense	263,909	317, 05 0

Treasurers Report Detail

2002/2003 Achievements

Horticulture:

- Removal of condemned Conservatory
- Upgrade of plantings, pathways and existing garden area
- Hired full time Horticulturist, Katherine Maidman, previously employed by Fairchild Tropical Garden and recognized as an authority on tropical plants and palms
- > Established a program of plant labeling and classification
- > Began an upgrade of horticulture education and outreach programs.
- > Revised "hands on in the garden: building a team of enthusiastic volunteers

Administrative:

- > Hired a new Executive Director, Laura Jamieson, to focus on marketing and promotion of the Garden. Building memberships, public relations, increasing revenue through rentals, events and raising additional Grant funding
- ➤ Hired an in-house administrative assistant focusing on bookkeeping and collaboration with the Director on rentals, events and membership drives
- Engaged a new Accounting Firm specializing in non-profit organizations that will supply the Conservancy with quarterly reports and complete year-end tax filing.
- Created a business plan with first year operating budget. Future projections will be created after design process is completed.
- > Increased our cash flow position from a break even to a positive one
- Began a community outreach program starting with our neighbors at the Holocaust Memorial by offering our community room during summer months for visiting students and Holocaust survivors, as well as, use of Garden for luncheons during Holocaust Week. Created a mutual fenced area for cooperative use as a holding area for plant debris.
- In addition to the above we have continued to serve as a host to many various Educational organizations, Cultural Art venues and Environmental groups at no charge. New World Symphony, Miami City Ballet, Urban Environmental League and various art exhibits to name a few. General admission to the Garden continues to be free.

2003/2004 Goals:

- > Installation of accent lighting throughout the Garden. The Conservancy has partially completed this at our cost of \$7,500.
- > Create a membership drive adding 250 new members
- ➤ Increase rentals by 25%
- > Currently we have four grants. We intend to increase our grant funding by 30% by tapping into sources for environmental, ecological, and education grants.
- Develop a sponsorship and donor fundraising strategy based on the total concept design of the new facility and Garden
- > Develop additional educational and cultural arts programs
- ➤ Launch a new series of daily guided tours of the Garden

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Con	dei	nsed	Title:

Two (2) Resolutions providing for the re-appointment of Judge Robert H. Newman, upon the recommendation of the City Manager and the City Attorney. One Resolution appoints Judge Newman as Chief Special Master for Code Enforcement violations under Chapter 30 of the City Code; the other Resolution appoints Judge Newman to hear appeals from citations and violations or denials, suspensions, and revocations of occupational licenses and certificates of use pursuant to Chapter 102 of the Miami Beach City Code.

Issue:	
Shall Judge Robert H. Newman be re-appointed for a term of six months?	
Item Summary/Recommendation:	

Advisory Board Recommendation:

The Administration Recommends approving the Resolution.

N/A	
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Financial Information:

Source of		Amount	Account	Approved
Funds:	1			
	2			
	3			
	4			
Finance Dept.	Total		,	

City Clerk's Office Legislative Tracking:

Robert E. Parcher, City Clerk

Department Director	Assistant City Mar	ager City Manager
Department Director	Assistant Only Mai	lager City Wallager
		Janes
:\AGENDA\2003\dec1003\consent\Item Sun	mary Judge Newman.doc	

AGENDA ITEM _C7C DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 10, 2003

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Murray Dubbin City Attorney

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE MIAMI BEACH CITY MANAGER CONCERNING APPOINTMENT OF JUDGE ROBERT NEWMAN TO SERVE AS CHIEF SPECIAL MASTER, COMMENCING JANUARY 1, 2004, AND ENDING JUNE 30, 2004, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED, WHO SHALL BE AUTHORIZED TO HOLD HEARINGS AND IMPOSE FINES, LIENS AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF CITY CODES AND ORDINANCES, AND SHALL ALSO BE AUTHORIZED TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT THE SUBJECT HEARINGS; INCORPORATING ALL OTHER MATTERS SET FORTH WITHIN CITY OF MIAMI BEACH RESOLUTION NO. 98- 22777 CONCERNING THE COMPENSATION AND DUTIES OF THE CHIEF SPECIAL MASTER.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY BEACH. OF MIAMI FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER CONCERNING THE APPOINTMENT OF JUDGE ROBERT NEWMAN TO SERVE AS CHIEF SPECIAL MASTER COMMENCING JANUARY 1, 2004, AND ENDING JUNE 30, 2004, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED, WHO SHALL BE AUTHORIZED TO HOLD ADMINISTRATIVE HEARINGS REGARDING APPEALS FROM CITATIONS FOR VIOLATIONS OF MIAMI BEACH CITY CODE CHAPTERS AND REGARDING DENIALS, SUSPENSIONS, AND REVOCATIONS OF OCCUPATIONAL LICENSES AND CERTIFICATES OF USE, AND TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT SUCH HEARINGS PURSUANT TO CITY ORDINANCES.

ADMINISTRATION RECOMMENDATION:

Adopt the Resolutions.

ANALYSIS:

The attached two Resolutions provide for the reappointment by the City Commission of Judge Robert H. Newman. One Resolution appoints Judge Newman as Chief Special Master for Code Enforcement violations under Chapter 30 of the City Code; the other Resolution appoints Judge Newman to hear appeals from citations and violations or denials, suspensions, and revocations of occupational licenses and certificates of use pursuant to Chapter 102 of the Miami Beach City Code.

At the December 11, 2002 City Commission Meeting, the City Commission requested the Administration develop a process to evaluate the Special Masters and referred this item to the Community Affairs Committee (CAC). The Administration, Judge Newman, Chief Special Master, and the Special Masters prepared a "Special Master Complaint Process." See Exhibit "A". At the March 25, 2003 CAC meeting, the CAC endorsed the Special Master Complaint Process. At the April 9, 2003 City Commission Meeting, the City Commission accepted the recommendation of the CAC.

Judge Newman will continue to actively hear cases under Chapters 30 and 102 of the Miami Beach City Code at a rate of One Hundred Dollars (\$100) per hour, with a maximum payment of Five Hundred Dollars (\$500) per hearing session.

Judge Newman is a retired Senior Judge with over 20 years of active time on the bench. He is an active member of the Florida Bar, in good standing.

Judge Newman's professional activities and associations include:

Admitted to practice before U.S. Supreme Court
Commissioner on Miami-Dade County Committee on Ethics and Public Trust
Chief Land Commissioner for the East Everglades
Past Secretary for National Board of Trustees, Leukemia Society of
America, Inc. and Chairman, Planned Giving Committee and By-Laws Committee
Past President, Temple Beth Am
Past Member of the Faculty of Florida New Judges College
Instructor at Miami-Dade Community College Paralegal Program
Chief Special Hearing Officer, City of Miami Beach

Judge Newman has the knowledge, skills and abilities, to perform as Chief Special Master. He has served this City with distinction, and his reappointment will best serve the interests of the City. As such, the subject Resolutions should be adopted.

JG:REP:LRM:lm

RESOLUTION	NO.	

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE MIAMI BEACH CITY MANAGER CONCERNING APPOINTMENT OF JUDGE ROBERT NEWMAN TO SERVE AS CHIEF SPECIAL MASTER, COMMENCING JANUARY 1, 2004, AND ENDING JUNE 30, 2004, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED, WHO SHALL BE AUTHORIZED TO HOLD HEARINGS AND IMPOSE FINES, LIENS AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF CITY CODES AND ORDINANCES, AND SHALL ALSO BE AUTHORIZED TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT THE SUBJECT HEARINGS; INCORPORATING ALL OTHER MATTERS SET FORTH WITHIN CITY OF MIAMI BEACH RESOLUTION NO. 98- 22777 CONCERNING THE COMPENSATION AND DUTIES OF THE CHIEF SPECIAL MASTER.

BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

WHEREAS, in Miami Beach City Code Chapter 30, Section 30-2 governing "Code Enforcement" was amended to provide for an alternative code enforcement system wherein Special Masters were authorized to hold hearings and impose fines, liens and other non-criminal penalties against violators of City Codes and Ordinances; and

WHEREAS, in Miami Beach City Code Chapter 30, Section 30-36, entitled "Appointment of Chief Special Master;" a provision was made for the appointment of a Chief Special Master to fulfill the above referenced duties, with the authority to appoint such other Special Masters as reasonably required to conduct said hearings; appointment of the Chief Special Master is established upon the Miami Beach City Commission's acceptance by a majority vote of the Miami Beach City Manager's recommendation for appointment; and

WHEREAS, the City Manager of the City of Miami Beach hereby recommends reappointment of Judge Robert Newman to fill the position of Chief Special Master for the City of Miami Beach; and

WHEREAS, all other matters set forth within City of Miami Beach Resolution No. 98-22777 with regards to limitation on compensation to be paid to the Chief Special Master, as well as other duties of the Chief Special Master shall remain in effect for a six month term commencing January 1, 2004, and ending June 30, 2004, or until a successor has been appointed.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Miami Beach City Manager concerning reappointment of Judge Robert Newman to serve as Chief Special Master pursuant to Miami Beach City Code Chapter 30 entitled "Code Enforcement", said Chief Special Master to be authorized to hold hearings and impose fines, liens and other non-criminal penalties against violators of City Codes and Ordinances and further authorized to appoint such other Special Masters as may be reasonably required to conduct the subject hearings; and that all other matters set forth within City of Miami Beach Resolution No. 98-22777 concerning the compensation of the Chief Special Master as well as other duties of the Chief Special Master serving as Special Master are incorporated herein and shall remain in effect for a six month term commencing January 1, 2004, and ending June 30, 2004, or until a successor has been appointed.

PASSED and ADOPTED this 10th day of December, 2003.

ATTEST:	MAYOR
	MATOR
CITY CLERK	APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
	MANUL-SQ 11-20-03

RESOLUTION NO.		

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER CONCERNING THE APPOINTMENT OF JUDGE ROBERT NEWMAN TO SERVE AS CHIEF SPECIAL MASTER **COMMENCING JANUARY 1, 2004, AND ENDING JUNE 30,** 2004, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED, WHO SHALL BE AUTHORIZED TO HOLD ADMINISTRA-TIVE HEARINGS REGARDING APPEALS FROM CITA-TIONS FOR VIOLATIONS OF MIAMI BEACH CITY CODE CHAPTERS AND REGARDING DENIALS, SUSPENSIONS, AND REVOCATIONS OF OCCUPATIONAL LICENSES AND CERTIFICATES OF USE, AND TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT SUCH HEARINGS PURSUANT TO CITY ORDINANCES.

WHEREAS, pursuant to City of Miami Beach Ordinances, upon prior recommendation of the City Manager, the City Commission by a majority vote may appoint a Chief Special Master who shall be authorized to hold hearings and impose fines, liens, and other non-criminal penalties against violations of City Ordinances, and who shall be authorized to hear appeals from citations for violations of Miami Beach City Code provisions and to conduct hearings regarding denials, suspensions and revocations of occupational licenses and certificates of use, and who shall also be authorized to appoint such other Special Masters as may reasonably be required to conduct such hearings pursuant to City Ordinances; and

WHEREAS, the use of Special Masters under the direction of a Chief Special Master has proven to be an expeditious, cost effective and fair means of adjudicating issues relating to code violations; and

WHEREAS, the City Manager has recommended the reappointment of Judge Robert Newman as the Chief Special Master for a six month term commencing January 1, 2004, and ending June 30, 2004, or until a successor has been appointed.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Commission hereby accepts the recommendation of the City Manager, and re-appoints Judge Robert Newman to serve as Chief Special Master, for a six month term commencing January 1, 2004, and ending June 30, 2004, or until a successor has been appointed, who shall be authorized to hold hearings and impose fines, liens and non-criminal penalties against violators of City Ordinances and who shall be authorized to hear appeals from citations for violations of Miami Beach City Code provisions and to conduct hearings regarding denials, suspensions and revocations of occupational licenses and certificates of use and who shall also be authorized to appoint such other Special Masters as may reasonably be required to conduct such hearings as may be required pursuant to City Ordinances.

PASSED and ADOPTED this 10th day of December, 2003.

ATTEST:	
	MAYOR
	· //wastes.
CITY CLERK	APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
	City Attorney Date

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



	Co	nde	nse	d.	Title	:
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A Resolution approving an amendment to the Second Amended and Restated/Consolidated Lease Agreement between the City and Miami Beach Watersports Center (MBWC) for the property located at 6500 Indian Creek Drive (A/K/A Shane Watersports Center), amending Paragraph 15.6, by extending the date, by a period of three (3) months, from November 28, 2003 to February 28, 2004, MBWC to obtain a final building permit for the proposed improvements to Parcel "A"

Issue:

Should the three (3) month extension for MBWC to obtain a building permit for Parcel "A" be approved?

Item Summary/Recommendation:

Miami Beach Watersports Center, Inc. (MBWC) currently leases City property at 6500 Indian Creek Drive, for use as a rowing facility. MBWC is required to make certain capital improvements, including the construction of a dry dock facility (Parcel B) to house rowing sculls (construction of which is substantially complete) and the addition of a second story on the existing building (Parcel A) for meeting and conference rooms. The Lease requires that building permits for Parcel A be obtained no later than November 28, 2003, but due to unanticipated delays, the deadline was not met. Said delays were mainly associated with City Fire Department review requiring an additional means of egress (only two were proposed), which their architect did not concur with. MBWC appealed to the Miami-Dade County Fire Prevention and Safety Appeals Board, but eventually lost the appeal (this process delayed permitting by approximately 3 months). Subsequently a settlement was reached on widening the two proposed stainwells, an alternative not previously considered. The plans have been amended and are in the final review and approval stage. MBWC has requested an extension to said deadline. MBWC has been diligent in their efforts regarding improvements to the facilities and the Administration does not foresee any problems with granting the mutually agreed to extension of three (3) months, and recommends same.

Adopt the Resolution.

Advisory Board Recommendation:	

Financial Information:

Source of	Amour	nt	Account	Approved
Funds:	1.			
	2			
	3			
	4			
Finance Dept.	Total			

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Jose Damien, Asset Manager				

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AGENDA ITEM <u>C7D</u>

DATE /2-/0-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



Date: December 10, 2003

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AN AMENDMENT TO THAT CERTAIN SECOND AMENDED AND RESTATED/CONSOLIDATED LEASE AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH AND MIAMI BEACH WATERSPORTS CENTER, INC. (MBWC), FOR A PARCEL OF LAND AND FACILITIES LOCATED AT 6500 INDIAN CREEK DRIVE, MIAMI BEACH, FLORIDA, AMENDING PARAGRAPH 15.6 OF SAID AGREEMENT, BY EXTENDING THE DATE, BY A PERIOD OF THREE (3) MONTHS, FROM NOVEMBER 28, 2003 TO FEBRUARY 28, 2004, FOR MBWC TO OBTAIN A FINAL BUILDING PERMIT FOR THE PROPOSED IMPROVEMENTS TO PARCEL "A"

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

On December 14, 1988, the City of Miami Beach (City) and the Miami Beach Jewish Community Center (JCC) entered into a Lease Agreement for the JCC's use of the Cityowned property, with parking lot facilities, located at 6500 Indian Creek Drive for the development of a rowing facility, at the JCC's sole cost and expense. An Assignment of the Lease was approved by the Mayor and City Commission on April 17, 1996, (via Resolution No. 96-21955), assigning all interest in the Lease from the JCC to Miami Beach Watersports Center, Inc. (MBWC). The current Lease, as amended and restated, has a term of thirty (30) years (including the only ten (10) year option which was has been exercised), terminating on May 21, 2021.

In accordance with the Second Amended and Restated/Consolidated Lease Agreement, MBWC has endeavored to construct capital improvements, including a dry dock facility to house its rowing sculls (Parcel "B"), as well as the addition of a second story to the existing rowing facility building (Parcel "A") to be used primarily as meeting and conference space.

Construction on the dry dock facilities on Parcel "B" are substantially completed, and permits for construction of the second story on Parcel "A" are currently being reviewed by the City's Building Department. However, the deadline for MBWC to obtain a building permit on Parcel "A" was November 28, 2003, but due to certain unforeseen delays encountered during the permitting process, mainly associated with obtaining City Fire

Department approvals, the deadline was not met. MBWC advised that the Fire Department required an additional means of egress, beyond the two stairwells which had been proposed by their architect, which was not previously anticipated. MBWC and their consultants did not agree and appealed the decision to the Miami-Dade County Fire Prevention and Safety Appeals Board, but eventually lost the appeal (this process delayed the review by approximately 3 months). Subsequently a settlement was reached on widening the two originally proposed stairwells, an alternative that had not previously been considered. The plans have since been amended and are in the final review and approval stage. In light of the foregoing, MBWC approached the City requesting an extension of the permitting deadline for Parcel "A".

MBWC has been diligent in its efforts to pursue construction of the project, and as such the Administration does not foresee any problems with granting said request. The Administration and MBWC have agreed that a three (3) month extension, until February 28, 2004, would provide adequate time for them to address any outstanding permitting issues.

The Administration recommends that the Mayor and City Commission adopt the attached Resolution approving an amendment to the Second Amended and Restated/Consolidated Lease Agreement, between the City and the MBWC, extending the date, by three (3) months, from November 28, 2003 to February 28, 2004, by which MBWC is required to obtain a final building permit for Parcel "A".

JMG:CMC:JD:rd

Attachment

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RES	O	_U7	FION	NO.			
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A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AN AMENDMENT TO THAT CERTAIN SECOND AMENDED AND RESTATED/CONSOLIDATED LEASE AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH AND MIAMI BEACH WATERSPORTS CENTER, INC. (MBWC), FOR A PARCEL OF LAND AND FACILITIES LOCATED AT 6500 INDIAN CREEK DRIVE, MIAMI BEACH, FLORIDA, AMENDING PARAGRAPH 15.6 OF SAID AGREEMENT, BY EXTENDING THE DATE, BY A PERIOD OF THREE (3) MONTHS, FROM NOVEMBER 28, 2003 TO FEBRUARY 28, 2004, FOR MBWC TO OBTAIN A FINAL BUILDING PERMIT FOR THE PROPOSED IMPROVEMENTS TO PARCEL "A"

WHEREAS, on December 14, 1988, the City of Miami Beach (City) and the Miami Beach Jewish Community Center (JCC) entered into a Lease Agreement for the JCC's use of the City-owned property, with parking lot facilities, located at 6500 Indian Creek Drive for the development of a rowing facility, at the JCC's sole cost and expense; and

WHEREAS, an Assignment of the Lease was approved by the Mayor and City Commission on April 17, 1996, (via Resolution No. 96-21955), assigning all interest in the Lease from the JCC to Miami Beach Watersports Center, Inc. (MBWC). The current Lease, as amended and restated, has a term of thirty (30) years (including the only ten (10) year option which was has been exercised), terminating on May 21, 2021; and

WHEREAS, in accordance with the Second Amended and Restated/Consolidated Lease Agreement, MBWC has endeavored to construct capital improvements, including a dry dock facility to house its rowing sculls (Parcel "B"), as well as the addition of a second story to the existing rowing facility building (Parcel "A") to be used primarily as meeting and conference space; and

WHEREAS, construction on the dry dock facilities on Parcel "B" are substantially completed, and permits for construction of the second story on Parcel "A" are currently being reviewed by the City's Building Department; and

WHEREAS, the deadline for MBWC to obtain a building permit on Parcel "A" was November 28, 2003, but due to certain unanticipated delays encountered during the permitting process, mainly due to MBWC's appeal to the Miami-Dade County Fire Prevention and Safety Appeals Board, as a result of a City Fire Department requirement of an additional means of egress (beyond the 2 stairwells originally proposed), said deadline was not met; and

WHEREAS, MBWC's appeal was ultimately denied, but subsequently a settlement was reached with the Fire Department on widening the two originally proposed stairwells, an alternative that had not previously been considered, and the plans have since been amended and are in the final review and approval stage; and

WHEREAS, MBWC has approached the City requesting an extension of said permitting deadline for Parcel "A"; and

WHEREAS, MBWC has been diligent in its efforts to pursue construction of the project, and as such the Administration does not foresee any problems with granting said request, and parties concur that a three (3) month extension, until February 28, 2004, would provide adequate time for MBWC to address any outstanding permitting issues.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve, and authorize the Mayor and City Clerk to execute an amendment to that certain Second Amended And Restated/Consolidated Lease Agreement by and between the City Of Miami Beach and Miami Beach Watersports Center, Inc. (MBWC), for a parcel of land and facilities located at 6500 Indian Creek Drive, Miami Beach, Florida, amending Paragraph 15.6 of said Agreement, by extending the date, by a period of three (3) months, from November 28, 003 to February 28, 2004, for MBWC to obtain a final building permit for the proposed improvements to Parcel "A".

PASSED and ADOPTED this **10th** day of **December**, **2003**.

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ATTEST:		
CITY CLERK	MAYOR	
JMG\CMC\JD\rd		

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

AMENDMENT TO THE SECOND AMENDED AND RESTATED /CONSOLIDATED LEASE BETWEEN THE CITY OF MIAMI BEACH AND MIAMI BEACH WATERSPORTS CENTER, INC.

This amendment to the Second Amended and Restated/Consolidated Lease Agreement, dated July 10, 2002, by and between the City of Miami Beach, ("Lessor"), and Miami Beach Watersports Center, Inc. ("Lessee"), for the property located at 6500 Indian Creek Drive, Miami Beach, Florida (Property), is entered into this 10th day of December, 2003.

WITNESSETH

WHEREAS, on December 14, 1988, the Lessor and the Miami Beach Jewish Community Center (JCC) entered into a Lease Agreement for the JCC's use of the City-owned property, with parking lot facilities, located at 6500 Indian Creek Drive for the development of a rowing facility, at the JCC's sole cost and expense; and

WHEREAS, an Assignment of the Lease was approved by the Mayor and City Commission on April 17, 1996, (via Resolution No. 96-21955), assigning all interest in the Lease from the JCC to the Lessee. The current Lease, as amended and restated, has a term of thirty (30) years (including the only ten (10) year option which was has been exercised), terminating on May 21, 2021; and

WHEREAS, in accordance with the Second Amended and Restated/Consolidated Lease Agreement, the Lessee has endeavored to construct capital improvements, including a dry dock facility to house its rowing sculls (Parcel "B"), as well as the addition of a second story to the existing rowing facility building (Parcel "A") to be used primarily as meeting and conference space; and

WHEREAS, construction on the dry dock facilities on Parcel "B" are substantially completed, and permits for construction of the second story on Parcel "A" are currently being reviewed by the City of Miami Beach (City) Building Department; and

WHEREAS, the deadline for Lessee to obtain a building permit on Parcel "A" was November 28, 2003, but due to certain unanticipated delays encountered during the permitting process, mainly due to Lessee's appeal to the Miami-Dade County Fire Prevention and Safety Appeals Board, as a result of a City Fire Department requirement of an additional means of egress (beyond the 2 stairwells originally proposed), said deadline was not met; and

WHEREAS, Lessee's appeal was ultimately denied, but subsequently a settlement was reached with the Fire Department on widening the two originally proposed stairwells, an alternative that had not previously been considered, and the plans have since been amended and are in the final review and approval stage; and

WHEREAS, Lessee requested an extension of said permitting deadline for Parcel "A"; and

WHEREAS, the Lessor and Lessee concur that a three (3) month extension, until February 28, 2004, would provide adequate time for Lessee to address any outstanding permitting issues.

NOW, THEREFORE, the Lessor and Lessee have agreed to enter into this Amendment to the Second Amended and Restated/Consolidated Lease Agreement, and amend said Lease as follows (underlined language is added, struck-through language is deleted):

15.6 CONDITIONS PRECEDENT TO LESSEE'S COMMENCEMENT OF CONSTRUCTION OF THE PROPOSED IMPROVEMENTS.

Lessee shall not commence construction of the Proposed Improvements, or any portion thereof, unless and until Lessor shall have approved the Plans and Specifications, as provided in this Lease. Lessee shall obtain a final building permit for the Proposed Improvements as follows:

- (a) For improvements to Parcel "B" (dry dock facility) -- on or before August 30, 2002, but in any event, no later than November 29, 2002.
- (b) For improvements to Parcel "A" (second story) -- on or before May 31, 2003, but in any event, no later than November 28, 2003 February 28, 2004.

Failure to do so shall constitute a Default under this Lease. Lessor's remedy for this Default, and for all defaults under this Article 15 for failure to follow the time schedule under this Article related to the Proposed Improvements, shall be limited to a reversion of the duration of the lease term and/or a description of the Demised Premises, to those provided in the Amended and Restated Lease Agreement, dated November 21, 1991. In such event, all other remaining provisions of this Lease shall remain in full force and effect. Lessee shall not commence construction of the Proposed Improvements unless and until (a) Lessee shall have obtained and delivered to Lessor copies of all final Permits and Approvals required to commence construction and (b) Lessee shall have delivered to Lessor original certificates of the policies of insurance required to be carried pursuant to this Lease.

Except as otherwise specifically amended herein, all other terms and conditions of the Second Amended and Restated/Consolidated Lease Agreement, between the Lessor and Lessee shall remain in full force and effect. In the event there is a conflict between the provisions provided herein and the Second Amended and Restated/Consolidated Lease Agreement, the provisions of this First Amendment shall govern.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to the Second Amended and Restated/Consolidated Lease Agreement to be executed by their duly authorized officials on the day first above indicated.

ATTEST:	CITY OF MIAMI BEACH, FLORIDA
CITY CLERK	MAYOR
Witnesses:	MIAMI BEACH WATERSPORTS CENTER, INC.
Print Name:	Print Name/Title:
Print Name:	
	APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
JMG:CMC:JD:rd	City Attorney Date

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

A Resolution approving a settlement regarding liens on the property at 701 Collins Avenue, Miami Beach, Florida, owned by Collins Manor Condominium in the amount of \$137,365.00, be waived and further authorizing the City Manager and City Clerk to execute any and all documents necessary to effectuate the settlement and release the lien.

Issue:

Shall the City Commission approve a settlement regarding liens on the property at 701 Collins Avenue, Miami Beach, Florida?

Item Summary/Recommendation:

The building located at 701 Collins Avenue is a 24 unit condominium building and the majority of residents are senior citizens living on a fixed income. In December of 2001, the mostly elderly owners of the condominium found themselves without a Board of Directors, several board members passed away and the remaining board members sold their units, and with numerous violations pending with the Fire Department, Code Compliance Division, Internal Revenue Service, the State of Florida Division of Corporations, and the State of Florida Division of Condominiums. On November 29, 2001, the management company of Global Investment Properties, Inc. was hired to oversee the property. On December 7, 2001, a special assessment was voted on by the residents to reinstate the condominium association which was currently inactive. Then on February 22, 2002, and again on July 22, 2002, a special assessment totaling \$291,619.73 was approved by the Board in order to address all of the violations including a new roof, painting the exterior of the building and to repair the elevator, gates and intercom/phone entry system. For the above special assessment, each of the twenty-four (24) unit owners were assessed an individual fee of over \$12,000.00. As previously stated, most of the unit owners are elderly and on a fixed income and the special assessment created a financial burden for the majority of the residents.

The Administration recommends waiving the entire lien amount. While normally some fine amount would be retained for the time of non-compliance on the property violations, in light of the status of building compliance, the unusual circumstances of the governing board and the severe economic hardship that would result, the Administration is recommending waiving the entire lien amount.

Δdvid	sory R	oard R	acomm	endation.

N/A

Financial Information:

Source of		Amount	Acc	ount	Approved
Funds:	1	\$0.00			
	2				
	3				
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Finance Dept.	Total				

City	Cler	k's	Office	Legislative	Tracking:

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Department Directo	Assistant City Manager	City Manager
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AGENDA ITEM <u>C7E</u>

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



Date: December 10, 2003

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION APPROVING A SETTLEMENT REGARDING LIENS ON THE PROPERTY AT 701 COLLINS AVENUE, MIAMI BEACH, OWNED BY COLLINS MANOR CONDOMINIMUM IN THE AMOUNT OF \$137,365.00

BE WAIVED AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY

TO EFFECTUATE THE SETTLEMENT AND LIEN RELEASE.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The building located at 701 Collins Avenue is a 24 unit condominium building and the majority of residents are senior citizens living on a fixed income. In December of 2001, the mostly elderly owners of the condominium found themselves without a Board of Directors due to several board members passing away and/or selling their units and numerous violations pending with the Fire Department, Code Compliance Division, Internal Revenue Service, the State of Florida Division of Corporations, and the State of Florida Division of Condominiums.

On November 29, 2001, the management company of Global Investment Properties, Inc. was hired to oversee the property. The condominium residents initiated the process of reinstating a board and two unit owners were appointed board members. These board members hired a lawyer to investigate filing a petition in order to have a court appointed trustee handle the association's financial troubles but decided to work with the management company in order not to incur additional expenses.

On December 7, 2001, a special assessment was voted on by the residents to reinstate the condominium association which was currently inactive. Then on February 22, 2002, and again on July 22, 2002, a special assessment totaling \$291,619.73 was approved by the Board in order to address all of the violations including a new roof, painting the exterior of the building and to repair the elevator, gates and intercom/phone entry system. For the above special assessment, each of the twenty-four (24) unit owners were assessed an individual fee of over \$12,000.00. As previously stated, most of the unit owners are elderly and on a fixed income and the special assessment created a financial burden for the majority of the residents.

Commission Memorandum December 10, 2003 Page 2 of 2

Currently, all the necessary repairs and violations have been corrected. The management company was successful in having the building elevator repaired, replacing the existing roof, installing security gates to keep the homeless out of the building, correct all life safety violations and clear all pending cases with other agencies. However, the condominium is still negotiating a settlement with the Internal Revenue Service.

With respect to the Special Master case, the hearing was first held on June 14, 2001, at which time the Special Master ordered compliance by August 14, 2001, or a \$100.00 a day fine would commence. On October 11, 2001, the condominium association requested more time and was granted until November 3, 2001, or a fine of \$500.00 per day would commence. An inspection on November 30, 2001, revealed compliance had not been achieved. On April 11, 2002, a hearing was held before the Special Master and the Special Master ordered the fines stopped and the case rescheduled for a report hearing on June 13, 2002.

One June 13, 2002, Global Management Properties, Inc. appeared at the Special Master hearing and gave a report about the special assessment that was being made to obtain the finances necessary to make all the repairs. The case was reset for another progress report hearing for October 10, 2002. On October 10, 2002, a progress report was given and the Special Master ordered the case reset to November 14, 2002. On November 14, 2002, the case was continued to January 9, 2003.

At the January 9, 2003, hearing the Special Master ordered full compliance by April 25, 2003, or a fine of \$100.00 a day for non-compliance would commence. Compliance was achieved on March 25, 2003, at which time the daily fine had accumulated to \$137,365.00.

While normally some fine amount would be retained for the time of non-compliance on the property violations, in light of the status of building compliance, the unusual circumstances of the governing board and the severe economic hardship that would result, the Administration is recommending waiving the entire lien amount.

JMG/RCM/VG/AC/kck

RESOLUTION TO BE SUBMITTED

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Co	nd	en	Se	Ч.	Γitl	6:

Setting of Public Hearing - Proposed Designation of the North Beach Resort Historic District

Issue:

The Administration is requesting that the Mayor and City Commission schedule a first reading public hearing on January 14, 2004, to consider the proposed designation of the North Beach Resort Historic District.

Item Summary/Recommendation:

Adopt the resolution which schedules a first reading public hearing on January 14, 2004, with a time certain of 5:01 p.m.

Advisory Board Recommendation:

On August 12, 2003, the Historic Preservation Board approved a motion (6 to 1) to recommend approval of the North Beach Resort Historic District with modifications.

The Planning Board is scheduled to consider the proposed designation of the North Beach Resort Historic District on December 2, 2003. Its action will be reported to the City Commission at the first reading public hearing.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1			
	2			
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	4			
Finance Dept.	Total	**************************************		

City Clerk's Office Legislative Tracking:

William H. Cary, Assistant Planning Director; Shannon M. Anderton, Senior Planner

Sign-Offs:

Department Director	Assistant City Manager	City Manager	
	ULC	Jones	
V.			

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AGENDA ITEM <u>C7F</u>
DATE <u>/2-10-03</u>

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



Date: December 10, 2003

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

SETTING OF PUBLIC HEARING - HISTORIC DESIGNATION

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH. FLORIDA. SETTING A PUBLIC HEARING TO CONSIDER THE PROPOSED DESIGNATION OF THE NORTH BEACH RESORT HISTORIC DISTRICT BY AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; AMENDING SECTION 118-593, "HISTORIC **DESIGNATION"**; **PRESERVATION AMENDING** SECTION 118-593(E), "DELINEATION ON ZONING MAP": AMENDING SECTION 118-593(E)(2), "HISTORIC PRESERVATION DISTRICTS (HPD) BY DESIGNATING THE NORTH BEACH RESORT HISTORIC DISTRICT, CONSISTING OF A CERTAIN AREA WHICH IS GENERALLY BOUNDED BY THE SOUTHERN LOT LINES OF 6084 COLLINS AVENUE, 6261 COLLINS AVENUE, AND 210-63RD STREET TO THE SOUTH, THE CENTERLINE OF 71ST STREET TO THE NORTH, THE CENTERLINE OF COLLINS AVENUE AND THE WESTERN LOT LINES OF CERTAIN PROPERTIES FRONTING ON COLLINS AVENUE TO THE WEST (INCLUDING 6084 COLLINS AVENUE, 6300 COLLINS AVENUE, AND 6574 TO 6650 COLLINS AVENUE), AND THE EROSION CONTROL LINE OF THE ATLANTIC OCEAN ON THE EAST (EXCLUDING 6605 COLLINS AVENUE), AS MORE PARTICULARLY DESCRIBED IN THE ORDINANCE.

RECOMMENDATION

The Administration is requesting that the Mayor and City Commission schedule a first reading public hearing on January 14, 2004, to consider the proposed designation of the North Beach Resort Historic District.

The Administration recommends that the Mayor and City Commission adopt the resolution.

BACKGROUND

On May 4, 1998, the Historic Preservation Board directed staff to proceed with research and prepare a preliminary evaluation and recommendation relative to identifying and proposing historic designation protection to areas, sites, and structures along the Collins Avenue corridor north of the National Register Historic District. The Planning Department has intensively researched the areas along the Collins Avenue corridor, including Indian Creek Drive, Harding Avenue, and the cross streets from 22nd Street to 87th Terrace, as well as the Lake Pancoast multi-family residential neighborhood due west of the lake; staff developed six volumes of historical documentation.

Commission Memorandum of December 10, 2003 Setting of Public Hearing – Designation of the North Beach Resort Historic District Page 2 of 7

On January 31, 2001, the City Commission unanimously approved the designation (7 to 0) of the Collins Waterfront Historic District. A major portion of the Collins Avenue corridor is included in this historic district, which extends from 22nd Street to the new relocated centerline of 44th Street.

In October and December of 2001, the Planning Department received three separate letters of request from Randall Robinson, member of the Historic Preservation Board; Michael Kinerk, Chairman of the Miami Design Preservation League; and Leonard Wien, Chairman of the Urban Arts Committee to place an item on the agenda of the Historic Preservation Board at their next available meeting. This item of request was for the Historic Preservation Board to consider directing Planning Department staff to prepare a preliminary evaluation and recommendation report relative to the possible designation of a portion of Collins Avenue, generally from 6084 Collins Avenue to the centerline of 72nd Street, as a local historic district.

On December 11, 2001, the Historic Preservation Board unanimously approved a motion (7 to 0) to direct Planning Department staff to proceed with research and prepare a preliminary evaluation report with recommendations regarding the possible designation of this new historic district. Further, the Board modified the boundaries of the proposed historic district because it was believed that preservation protection in North Beach might best be conducted in a series of phases. These phases would be prioritized according to those areas which contain significant concentrations of historic buildings and possess a threat of demolition. The proposed historic district is the second phase of the expanded preservation protection process along the Collins Avenue corridor and the first phase in North Beach.

Following the December 11, 2001, meeting, staff identified that the Harding Hotel, located at 210-63rd Street (also known as 6077 Indian Creek Drive), was inadvertently omitted from the boundaries of the proposed historic district in the notice of public hearing. A revised public notice was then distributed which clearly showed the possible inclusion of the Harding Hotel within the boundaries of the proposed historic district. At its February 12, 2002, meeting, the Historic Preservation Board approved a motion (6 to 1) to include the Harding Hotel within the boundaries of the proposed historic district.

The proposed historic district (as represented in the preliminary evaluation and recommendation report) is generally bounded by the southern lot lines of 6084 Collins Avenue, 6261 Collins Avenue, and 210-63rd Street to the south, the centerline of 71st Street to the north, the centerline of Collins Avenue and the western lot lines of certain properties fronting on Collins Avenue to the west (including 6084 Collins Avenue, 6300 Collins Avenue, 6490 to 6498 Collins Avenue, and 6574 to 6650 Collins Avenue), and the erosion control line of the Atlantic Ocean to the east.

On February 12, 2002, the Historic Preservation Board reviewed the preliminary evaluation and recommendation report prepared by the staff of the Planning Department regarding the designation of the proposed North Shore Resort Historic District, and they found the structures and sites located within the boundaries of the proposed historic district to be in compliance with the criteria for designation listed in Sections 118-591 through 118-593 in the Land Development Regulations of the City Code. The Board unanimously approved a motion (7 to 0) to direct staff to prepare a designation report and schedule a public hearing relative to the designation of this new historic district. At the same meeting, the Board approved a motion (7 to 0) to change the name of the proposed district from the North Shore Resort Historic District to the North Beach Resort Historic District. This amendment was made in response to the North Beach Development Corporation, who requested that the district name be revised in order for it to be consistent with their strategic plan of neighborhood identities in North Beach.

Commission Memorandum of December 10, 2003 Setting of Public Hearing – Designation of the North Beach Resort Historic District Page 3 of 7

On April 17, 2002, the Planning Department hosted a courtesy public workshop at the Shane Watersports Center at 6500 Indian Creek Drive. The focus of the community workshop was to discuss the possible historic designation of the proposed North Beach Resort Historic District. Approximately 40 persons were in attendance at the meeting. A City Commissioner and two members of the Historic Preservation Board were also present to observe the public workshop. A presentation was made by the Planning Department staff, which included: a description of the boundaries of the proposed historic district, an overview of the historic designation process, the historical and architectural background of the proposed historic district, the effects of historic designation on the individual property owner, and an overview of the role of historic preservation in the economic and architectural revitalization of North Beach.

Following the presentation, staff conducted a public question and answer discussion session in order for local citizens to express their views and relay their concerns prior to the historic designation hearing of the Historic Preservation Board on April 24, 2002. Serious concerns were raised by local citizens about the pending designation of the North Beach Resort Historic District. Several issues expressed at the public workshop included the following: the current conditions and general quality of the architecture of the buildings within the proposed historic district; whether much of the existing construction has exceeded its functional usefulness and should be replaced with modern structures that meet today's Florida Building Code and programmatic requirements; the inclusion of the 63rd Street flyover as a contributing mid-20th century engineering structure in the proposed historic district; more regulatory flexibility in addressing modern business and technical needs; and the potential development of a companion ordinance to address special conditions in this area, such as the need for on-site and off-site parking, the introduction of oceanfront balconies, and the construction of rooftop additions more than one story in height. Additional comments and concerns expressed at the public workshop that were not specifically related to the historic designation evaluation criteria included: the removal of the 63rd Street flyover and the reconstruction of the 63rd Street and Collins Avenue intersection; traffic congestion and the limited availability of parking in the area; a desire for a decrease in hotel and entertainment uses in the area and an increase in residential uses; the possible hindrance of economic development in the area due to historic designation; and the need for the development of a master plan for North Beach that includes an analysis relative to the possible historic designation of the area.

On April 24, 2002, the Historic Preservation Board discussed the possible designation of the North Beach Resort Historic District with staff, individual property owners, and other interested members of the public. In light of the significant concerns expressed at the April 17, 2002, courtesy public workshop, the Board approved a motion to continue the designation public hearing of the proposed North Beach Resort Historic District until a later date.

On February 11, 2003, the Historic Preservation Board approved a motion to extend by six months the time frame for the Planning Department to continue its research and complete the designation report for the proposed North Beach Resort Historic District. Under advice from legal counsel, this extension of time was formally ratified by the Board at its March 11, 2003, meeting following a courtesy notice of public hearing.

On August 4, 2003, the Planning Department hosted a second courtesy public workshop in the First Floor Conference Room at City Hall. There were approximately 28 persons in attendance at the meeting, including property owners, staff, and other interested parties. Following the presentation of the proposed historic district by staff, there was a public question and answer discussion.

The following comments and concerns were expressed at the second courtesy public workshop: the amount of available FAR and the development potential for the contributing property sites in the

Commission Memorandum of December 10, 2003 Setting of Public Hearing – Designation of the North Beach Resort Historic District Page 4 of 7

proposed historic district; the possible negative effects from potential and previously approved development projects in the area on concurrency management, emergency evacuation procedures, and the general quality of life; the impact on the availability of affordable housing with the recent trend toward demolition of older buildings and construction of new upscale, less affordable condominium buildings; the potential removal of the 63rd Street flyover and reconstruction of a 63rd Street and Collins Avenue grade-level intersection; traffic congestion and the limited availability of parking in the area; the inclusion of certain buildings in the proposed historic district, such as the Monte Carlo and Carillon Hotels, may prolong their current poor conditions; the amount of flexibility for alterations to contributing buildings on their elevations facing the street versus the oceanfront; and a request for the designation of additional historic districts in North Beach to preserve the area's special architectural character. Overall, there appeared to be a consensus of general support for the designation of the proposed North Beach Resort Historic District at this second courtesy public workshop. No strong objections were presented against designation.

On August 12, 2003, the Historic Preservation Board approved a motion (6 to 1) to recommend approval of the North Beach Resort Historic District with two modifications. First, the district boundaries were modified to exclude the Forde Ocean Apartments at 6605 Collins Avenue and the Broadwater Beach Apartments at 6490-6498 Collins Avenue. Second, the contributing properties located on the west side of Collins Avenue from the Rowe Motel at 6574-6600 Collins Avenue north to the centerline of 67th Street were reclassified. These properties retained contributing status for the first (easternmost) 20 feet of their respective sites; however, the remaining portions of the properties to the west were changed to noncontributing. (See attached **Map 1A** for historic district boundaries as recommended by the Historic Preservation Board on August 12, 2003.)

The Planning Board is scheduled to consider the proposed designation of the North Beach Resort Historic District on December 2, 2003. Its action will be reported to the City Commission at the first reading public hearing.

DESIGNATION PROCESS

The designation report for a proposed historic district is required to be presented to the Historic Preservation Board and the Planning Board at separate public hearings. Following public input, the Historic Preservation Board votes on whether or not the proposed historic district meets the criteria listed in the Land Development Regulations of the City Code and transmits a recommendation on historic designation to the Planning Board and City Commission. If the Historic Preservation Board votes against the designation, no further action is required. If the Historic Preservation Board votes in favor of designation, the Planning Board reviews the designation report and formulates its own recommendation. The recommendations of both Boards, along with the designation report, are presented to the City Commission. Because in this instance the proposed ordinance involves an area of ten (10) contiguous acres or more, the City Commission must hold two (2) public hearings on the designation. Upon conclusion of the second hearing, the City Commission can immediately adopt the ordinance with a 5/7 majority vote.

STAFF ANALYSIS

POSSIBLE MODIFICATIONS TO THE BOUNDARIES OF THE PROPOSED NORTH BEACH RESORT HISTORIC DISTRICT.

The modified proposed historic district, as recommended by Planning Department staff, has slightly different boundaries than recommended by the Historic Preservation Board. It is generally bounded by the southern lot lines of 6084 Collins Avenue, 6261 Collins Avenue, and 210-63rd Street to the

Commission Memorandum of December 10, 2003 Setting of Public Hearing – Designation of the North Beach Resort Historic District Page 5 of 7

south, the northern lot line of 6901 Collins Avenue to the north, the centerline of Collins Avenue and the western lot lines of certain properties fronting on Collins Avenue and 63rd Street to the west (including 6084 Collins Avenue and 210 63rd Street), and the erosion control line of the Atlantic Ocean to the east (excluding 6605 Collins Avenue). (Refer to attached **Map 1B** for modified historic district boundaries as recommended by the Planning Department.)

RATIONALE FOR CHANGES TO THE PROPOSED NORTH BEACH RESORT HISTORIC DISTRICT AND ITS BOUNDARIES.

Following the Courtesy Public Workshop on April 17, 2002, and the discussion with the Historic Preservation Board on April 24, 2002, the Planning Department staff set out to accomplish three (3) primary objectives before finalizing possible modifications to the proposed North Beach Resort Historic District and its proposed boundaries. The three objectives are as follows:

1. Consideration of Possible Modifications to the Proposed North Beach Resort Historic District in Light of Significant Issues Raised at the April 17, 2002, Courtesy Public Workshop.

These considerations include, but are not limited to, the following:

- a. reviewing the proposed boundaries of the historic district relative to whether they most accurately reflect the prime area and structures to be protected;
- b. further researching and analyzing the specific historical period of significance to be preserved, successfully interpreted, promoted, and protected for the benefit of generations of North Beach residents, guests, and users to come.
- c. further studying the specific nature, types, use, dates, and styles of structures and sites to be identified as contributing to the special historic character and future success of the proposed historic district.
- d. ensuring the cohesive visual recognition of this collective body of historic structures and sites relative to their critical role and importance in defining and building once again upon one of the most delightful, remarkable, and economically successful development periods in Miami Beach history.

To this end, the Planning Department staff is recommending a reduction in the size of the proposed historic district boundaries (recommended by the Historic Preservation Board on August 12, 2003) as well as an adjustment to the total number of contributing buildings, in accordance with the following conclusions:

The focus in the designation of this unique historic district should be primarily on the oceanfront hotel structures that defined, activated, and perpetuated the acknowledged mystique and ongoing economic success of this ocean resort and entertainment island oasis built in North Beach shortly after World War II. This focus must include physical restoration, preservation, and adaptive reuse (if proposed) of these structures to make them economically competitive and further define and bring recognition to this special era in the history of North Beach. Doing so and promoting this should result in substantial city and regional benefits of historical education presented in a fun manner, quality of life improvements in and surrounding the historic district, expanded oceanfront recreational opportunities, and a significantly accelerated return of economic revitalization and stability to North Beach. This task will require careful attention to the historic structures and sites as well as to their upgrading and potential reasonable expansion to meet modern operational needs and uses.

Commission Memorandum of December 10, 2003 Setting of Public Hearing – Designation of the North Beach Resort Historic District Page 6 of 7

The post World War II development period saw the rapid rise of a new magnitude and character of oceanside resorts and an entertainment style in Miami Beach that garnered international acclaim and participation in a small but clearly defined area of the City. Although closely associated with the development of the grand Fontainebleau and Eden Roc Hotels in Mid Beach during this same era, the North Beach Resort Historic District occupies a place in time, physical eminence (when further restored), and a high level of urban oceanfront amenity. The proposed district and surrounding areas are complete with retail, commercial, restaurant, entertainment, and cultural avenues and fascinating historical sites to visit.

The Planning Department staff has subsequently concluded that the principal focus of this district should be specific to the post World War II hotel structures and sites along the ocean and the east end of 63rd Street that created, defined and perpetuated a unique social/economic phenomenon in North Beach during and beyond the mid-20th century. Hence, the boundaries, contributing structures, and sites within the modified district boundaries as recommended by Planning Department staff have been adjusted accordingly.

2. To Realistically and Appropriately Address Important Issues Which Will Impact Upon the Long Range Preservation Success and Economic Health of the Proposed North Beach Resort Historic District.

The Planning Department staff has carefully evaluated each contributing structure and site to be located within the modified proposed historic district boundaries. This evaluation included:

- a. the design, size, architectural configuration, and general condition of each structure;
- b. its operational limitations with regard to on-site parking;
- potential unit key count as established by an evaluation of approximate remaining floor area for future development on each subject contributing site;
- the physical ability to add and/or enhance on-site parking as well as egress to that parking;
- e. the ability to add a new addition to the subject property in an appropriate manner which would not adversely impact upon the overall historic integrity and significance of the subject structure; to enable the historic structure to meet modern operational needs as well as to be viable in future hotel/residential competition in North Beach;
- f. the ability to add new oceanview balconies on contributing structures, including expanded window/door accessibility to the balconies;
- g. the creation of appropriate raised pool deck levels with parking or other common functions beneath which would benefit both the properties as well as the views of these properties from the beach;
- h. the potential for rooftop additions in excess of one story on certain structures, dependent upon certain conditions that would have to be established and met;
- i. the potential for minimal or no adverse impact upon historic lobby and significant public interior spaces as well as the primary and character defining street façade and side elevations of these structures as seen from the public rights-of-way.

As a result of this analysis, the Planning Department staff has prepared Special Review Guidelines for the North Beach Resort Historic District, which are incorporated in **Section XI** in the Designation Report.

Staff has also developed an ordinance amendment to Section 142-1161(d) in the Land Development Regulations of the City Code by modifying the prohibition of rooftop additions of more than one story in height in the proposed North Beach Resort Historic District. The

Commission Memorandum of December 10, 2003 Setting of Public Hearing – Designation of the North Beach Resort Historic District Page 7 of 7

companion ordinance amendment may permit certain existing buildings of six or more stories to have a two story rooftop addition. Existing buildings of five stories or less may not have more than a one story rooftop addition. The companion ordinance amendment would provide an enhanced level of flexibility to renovate and adapt certain existing buildings in the historic district.

3. To Identify Strategies for Increasing the Supply of Off-Site Parking Available to Serve Historic Buildings.

Construction of new off-site parking within 1200 feet of the subject property should be encouraged by City policies and Land Development Regulations to serve historic structures in the proposed North Beach Resort Historic District.

Under the current City Code, designation of an historic district would make existing buildings exempt from parking requirements resulting from a change of use or renovation exceeding the 50% Rule. However, the addition of new floor area would require parking or payment into the Parking Impact Fund. Also, designation of an historic district would extend the maximum walking distance for off-site parking from 500 feet to 1200 feet, thereby providing more options for off-site parking locations.

In addition to these benefits in the existing City Code, the City should continue to actively explore the following policies:

- a. Utilize municipal parking revenue bonds and funds collected through parking impact fees to provide public off-street parking. Consider City-ownership and joint-development opportunities. The City has identified several potential sites within 1200 feet of the proposed North Beach Resort Historic District that are being studied by Walker Parking Consultants as part of Phase 2 of a citywide parking study.
- b. Encourage shared parking by adjacent owners in the historic district.

CONCLUSION

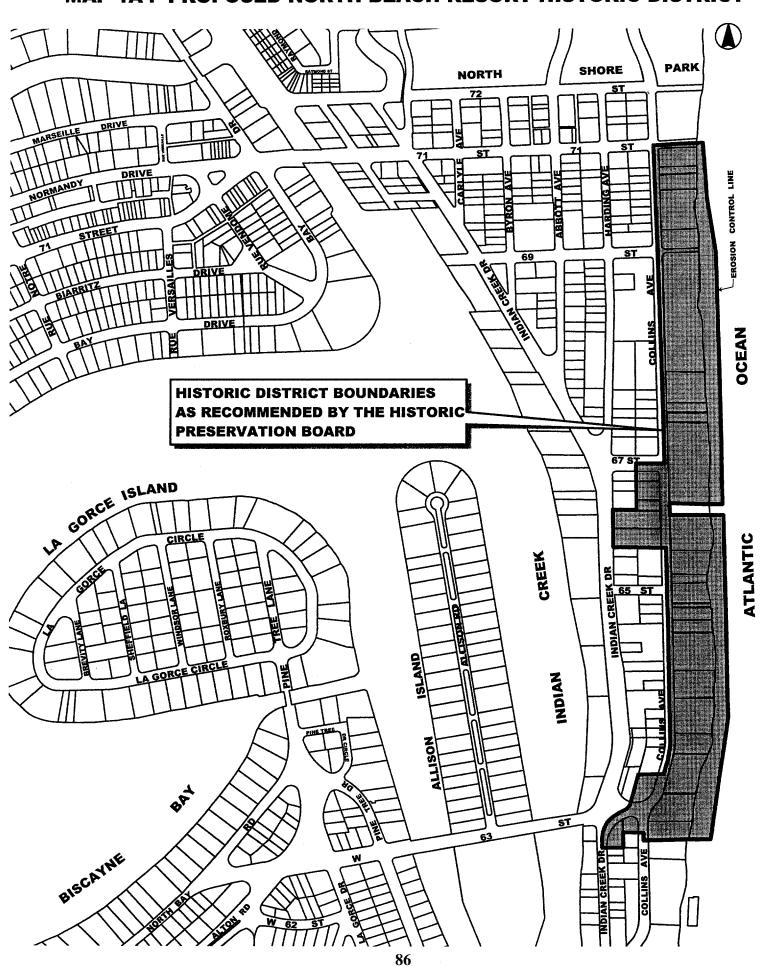
The proposed designation of the North Beach Resort Historic District is appropriate to protect the aesthetic, architectural, and historical importance of the neighborhood. The positive social and economic impact that preservation has had on the revitalization of Miami Beach, as well as the worldwide media recognition of Miami Beach, is well known. Local residents, as well as visitors from around the world, are seeking the very special urban character of Miami Beach that the Planning Department seeks to preserve. Further, alterations are permitted to historic structures provided that the changes are found to be appropriate by the Historic Preservation Board.

Therefore, the Administration recommends that the Mayor and City Commission adopt this resolution scheduling a first reading public hearing on January 14, 2004, to consider the proposed designation of the North Beach Resort Historic District.

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MAP 1A: PROPOSED NORTH BEACH RESORT HISTORIC DISTRICT



MAP 1B: POSSIBLE BOUNDARY MODIFICATIONS TO THE PROPOSED NORTH BEACH RESORT HISTORIC DISTRICT PARK SHORE NORTH DRIVE EROSION CONTROL LINE 69 DRIVE HIDIN CHEEK DH OCEAN **MODIFIED HISTORIC DISTRICT BOUNDARIES AS RECOMMENDED** BY THE PLANNING DEPARTMENT 67 ST GORCE ISLAND CREEK CIRCLE ATLANTIC INDIAN 割 ALLISON ST BISCAYNE 63

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A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING TO CONSIDER THE PROPOSED DESIGNATION OF THE NORTH BEACH RESORT HISTORIC DISTRICT BY AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; AMENDING SECTION 118-593, "HISTORIC DESIGNATION"; AMENDING SECTION 118-593(E), PRESERVATION "DELINEATION ON ZONING MAP"; AMENDING SECTION 118-593(E)(2), "HISTORIC PRESERVATION DISTRICTS (HPD) BY DESIGNATING THE NORTH BEACH RESORT HISTORIC DISTRICT, CONSISTING OF A CERTAIN AREA WHICH IS GENERALLY BOUNDED BY THE SOUTHERN LOT LINES OF 6084 COLLINS AVENUE, 6261 COLLINS AVENUE, AND 210-63RD STREET TO THE SOUTH, THE CENTERLINE OF 71st STREET TO THE NORTH, THE CENTERLINE OF COLLINS AVENUE AND THE WESTERN LOT LINES OF CERTAIN PROPERTIES FRONTING ON COLLINS AVENUE TO THE WEST (INCLUDING 6084 COLLINS AVENUE, 6300 COLLINS AVENUE, AND 6574 TO 6650 COLLINS AVENUE), AND THE EROSION CONTROL LINE OF THE ATLANTIC OCEAN ON THE EAST (EXCLUDING 6605 COLLINS AVENUE), AS MORE PARTICULARLY DESCRIBED IN THE ORDINANCE.

WHEREAS, on August 12, 2003, the City of Miami Beach Historic Preservation Board held a public hearing and voted (6 to 1) in favor of recommending that the Mayor and City Commission designate the North Beach Resort Historic District; and

WHEREAS, the City of Miami Beach Planning Department has recommended this amendment to the Land Development Regulations of the City Code; and

WHEREAS, pursuant to section 118-164(2) of the Land Development Regulations of the City Code, for changes to the actual zoning map designation for a parcel or parcels of land involving ten contiguous acres or more, the City Commission shall hold two public hearings on the proposed ordinance, and at least one public hearing shall be held after 5:00 p.m. Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance;

WHEREAS, the Administration is requesting that the first reading public hearing for the proposed designation of the North Beach Resort Historic District be set at this time;

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that a first reading public hearing shall be held on January 14, 2004, to consider the proposed designation of the North Beach Resort Historic District as follows:

Public Hearing First Reading

in the City Commission Chambers at 1700 Convention Center Drive, Miami Beach, Florida, and the City Clerk is hereby authorized and directed to publish and distribute the

appropriate public notice of said public heard.	hearing, at which time	e all interested parties will be
PASSED and ADOPTED this	day of	, 2003.
		MAYOR
ATTEST:		
CITY CLERK		
APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION:	E	
My Hull 11-2 CITY ATTORNEY QH DAT	≥ 6-03 E	

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CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

A resolution of the Mayor and City Commission of the City of Miami Beach, Florida, retroactively approving and authorizing the Mayor and City Clerk to execute an Interlocal Agreement between the City of Miami Beach and Miami-Dade County, Florida, securing off-duty City of Miami Beach police officers to perform guard services for the Palm and Hibiscus Island Security Guard Special Taxing District.

Issue:

Shall the City of Miami Beach pass a resolution retroactively approving and authorizing the Mayor and City Clerk to execute an Interlocal Agreement between the City of Miami Beach and Miami-Dade County, Florida, securing off-duty City of Miami Beach police officers to perform guard services for the Palm and Hibiscus Island Security Guard Special Taxing District?

Item Summary/Recommendation:

The Administration recommends the adoption of this resolution. In 1988, the residents of Palm and Hibiscus Islands voted to create the Palm and Hibiscus Island Security Guard Special Taxing District. The purpose of the Special Taxing District was to permit the hiring of off-duty Miami Beach police officers to perform security services for Palm and Hibiscus Islands. That same year, the City and the County entered into the first Interlocal Agreement to provide the services of off-duty Miami Beach police officers. The City and the County have renewed the Interlocal Agreement continuously since 1988. The most current Interlocal Agreement expired on September 30, 2003. The Homeowner's Association, the County and the City wish to renew the Agreement. The renewal process has taken longer than expected and as such, retroactive approval is necessary as of October 1, 2003. The Police Department has continued to provide off-duty police officers during this period and the residents have had no interruption of services.

The new Interlocal Agreement continues the services as currently provided for the period of October 1, 2003 to September 30, 2006, with the option to renew for a three (3) year term.

The Agreement provides that the City will staff the Palm and Hibiscus Island station with off-duty police officers on a 24 hour a day basis. The Agreement also includes the revised administrative surcharge the City receives for employment of off-duty police officers at a rate of \$4.00 per hour; the previous rate was \$8.00 per shift.

<u>Advisory</u>	Board Recommendation:	
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N/A

Financial Information:

Amount to be expe	ended:			
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AGENDA ITEM <u>C76</u>
DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



Date: December 10, 2003

COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RETROACTIVELY APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND MIAMI-DADE COUNTY, FLORIDA, SECURING OFF-DUTY CITY OF MIAMI BEACH POLICE OFFICERS TO PERFORM GUARD SERVICES FOR THE PALM AND HIBISCUS ISLAND SECURITY GUARD SPECIAL TAXING

DISTRICT.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

In 1988, the residents of Palm and Hibiscus Islands voted to create the Palm and Hibiscus Island Security Guard Special Taxing District. The purpose of the Special Taxing District was to permit the hiring of off-duty Miami Beach police officers to perform security services for Palm and Hibiscus Islands. That same year, the City and the County entered into the first Interlocal Agreement to provide the services of off-duty Miami Beach police officers.

The City and the County have renewed the Interlocal Agreement continuously since 1988. The most current Interlocal Agreement expired on September 30, 2003. The Homeowner's Association, the County and the City wish to renew the Agreement. The renewal process has taken longer than expected and as such, retroactive approval is necessary as of October 1, 2003. The Police Department has continued to provide off-duty police officers during this period and the residents have had no interruption of services.

The new Interlocal Agreement continues the services as currently provided for the period of October 1, 2003 to September 30, 2006, with the option to renew for a three (3) year term.

The Agreement provides that the City will staff the Palm and Hibiscus Island station with off-duty police officers on a 24 hour a day basis. The Agreement also includes the revised administrative surcharge the City receives for employment of off-duty police officers at a rate of \$4.00 per hour; the previous rate was \$8.00 per shift.

CONCLUSION

By adopting this Resolution, the City and the County will renew this long standing Interlocal Agreement providing off-duty Miami Beach police officers at Palm and Hibiscus Islands.

JMG/DD/AM/RM/JM/HDC

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RESOL	UTION	NO.	

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RETROACTIVELY APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND MIAMI-DADE COUNTY, FLORIDA, SECURING OFF-DUTY CITY OF MIAMI BEACH POLICE OFFICERS TO PERFORM GUARD SERVICES FOR THE PALM AND HIBISCUS ISLAND SECURITY GUARD SPECIAL TAXING DISTRICT.

WHEREAS, the City and Miami-Dade County have had a series of continuous Interlocal Agreements to provide the services of Off-duty City of Miami Beach police officers to the Palm and Hibiscus Island Security Guard Special Taxing District since 1988; and

WHEREAS, the most recent Interlocal Agreement expired on September 30, 2003, and the residents within the Palm and Hibiscus Island Security Guard Special Taxing District and Miami-Dade County wish to renew the Agreement; and

WHEREAS, the negotiation of the attached Interlocal Agreement has taken longer than expected and therefore, retroactive approval is necessary; and

WHEREAS, the Agreement will be renewed for the period of October 1, 2003, to September 30, 2006, with an option to renew for a three (3) year period, from October 1, 2006 to September 30, 2009, at the option of both parties.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission herein retroactively approve and authorize the Mayor and City Clerk to execute attached Interlocal Agreement between the City of Miami Beach and Miami-Dade County, Florida, securing off-duty City of Miami Beach police officers to perform guard services for the Palm and Hibiscus Island Security Guard Special Taxing District.

PASSED and ADOPTED this ______day of ______, 2003.

APPROVED AS TO

MFORM & LANGUAGE

& FOR EXECUTION

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ty Attorney Och Date

INTERLOCAL AGREEMENT BY AND BETWEEN MIAMI-DADE COUNTY, FLORIDA AND THE CITY OF MIAMI BEACH SECURING OFF-DUTY CITY OF MIAMI BEACH POLICE OFFICERS TO PERFORM GUARD SERVICES FOR THE PALM AND HIBISCUS ISLAND SECURITY GUARD SPECIAL TAXING DISTRICT

THIS INTERLOCAL AGREEMENT, made and entered into this ____ day of _____, 2003, by and between MIAMI-DADE COUNTY, FLORIDA (the "COUNTY") and the CITY OF MIAMI BEACH, FLORIDA (the "CITY"), a municipality organized and existing under the laws of the State of Florida.

WHEREAS, Section 163.01, Florida Statutes and the Miami-Dade County Home Rule Charter, as amended, permit the County and the City to enter into Interlocal Agreements; and

WHEREAS, the Board of County Commissioners, by the adoption of Ordinance No. 80-32 on April 15, 1980, as amended by Ordinance No. 83-122 and Ordinance No. 88-62, created the PALM AND HIBISCUS ISLAND SECURITY GUARD SPECIAL TAXING DISTRICT, pursuant to Chapter 18 of the code of Miami-Dade County, Florida, and Section 101(a)(11) of the Miami-Dade County Home Rule Charter; and

WHEREAS, the City Commission of the City of Miami Beach passed and adopted a subsequent Resolution No. 88-19257 on May 26, 1988, requesting the Board of County Commissioners to amend Ordinances No. 80-32 and 83-122 to permit the use of off-duty police officers to provide security guard services; and

WHEREAS, the Board of County Commissioners, by the adoption of Ordinance No. 88-62 on July 5, 1988, amended Ordinance No. 80-32 to provide for the utilization of off-duty police officers to perform guard services twenty-four (24) hours per day, seven (7) days per week, three hundred and sixty-five (365) days per year, at the security guard station located at the causeway entrance to the Palm and Hibiscus Islands, and to provide for the authorization to use an Interlocal Agreement to secure such services; and

WHEREAS, the parties hereto, for the consideration herein as set forth mutually agree as follows:

- 1. The CITY or its agents shall not in any event be considered nor shall it represent itself as an agent, officer, servant or employee of the COUNTY in performance of its activities under this agreement.
- 2. The CITY agrees to be responsible for furnishing management, supervision, manpower, equipment and supplies as required to provide one uniformed and armed off-duty police officer twenty-four (24) hours per day, three hundred and sixty-five (365) days per year at the Palm and Hibiscus Island Security Guard Special Taxing District guard station. Provided, however that the

CITY shall have no duty to provide the off-duty police officers in the event of any emergency or extraordinary condition which prevents the availability of such officers.

In the event the CITY finds that it is in the CITY'S best interest to provide guard service with on-duty police officers, the COUNTY agrees to pay a fixed hourly rate of \$_____ per on-duty hour served. This rate includes all costs of supplying on-duty police officers. Prior approval must be secured from the COUNTY to be compensated at the on-duty rate of \$____.

3. The COUNTY agrees to pay a fixed hourly rate of twenty-five dollars (\$25.00) per hour for the actual number of service hours performed, except that on the following days, the COUNTY agrees to pay fifty dollars (\$50.00) per hour:

New Year's Eve
New Year's Day
Veterans Day
President's Day
Thanksgiving Day
Memorial Day
Independence Day
Martin Luther King, Jr.'s Birthday

Labor Day
Veterans Day
Thanksgiving Day
Christmas Eve
Christmas Day

The COUNTY agrees to pay a fixed rate of twenty five dollars (\$25.00) per hour for hourly services, not to exceed eight (8) hours per week for services provided by the job coordinator. The job coordinator will charge for coordination services provided in compliance with the existing policy of the Miami Beach Police Department.

The COUNTY agrees to pay a fixed rate surcharge of ______ dollars (\$) per shift worked.

The COUNTY agrees to pay a fixed rate of four dollars (\$4.00) per hour worked for administrative costs associated with this Interlocal Agreement.

Realizing the competitive market for off-duty police officer services, the COUNTY agrees upon the execution of the agreement, to deliver to the CITY an additional security deposit of \$2,300 for a total deposit of \$9,300 to insure a minimum of two weeks service at 24 hours of service per day. The prepaid funds will be recouped as a credit against the CITY invoices received within the last 30 day period of this Agreement or any extension thereof.

4. The ORDERS, called POST ORDERS, shall be drafted by the City of Miami Beach Police Department. The COUNTY shall review, approve, publish and post the POST ORDERS at the security guard station. All officers must comply with and have access to these POST ORDERS at all times while on duty. POST ORDERS may be amended from time to time by the CITY with

the approval of the COUNTY. The COUNTY will publish and post any approved amended POST ORDERS.

- 5. The COUNTY will furnish at no cost to the CITY:
 - a. Time clock and related keys.
 - b. Sufficient number of required forms.
 - c. Desk book.
- 6. The CITY shall indemnify and hold harmless the COUNTY and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense, which the COUNTY or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the CITY or its employees, agents, servants, partners, principals, or subcontractors. The CITY shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits, actions of any kind or nature in the name of the COUNTY, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. Provided, however, this indemnification shall only be to the extent and within the limitations of Section 768.28 Fla. Stat., subject to the provisions of that Statute whereby the CITY shall not be held liable to pay a personal injury or property damage claim or judgement by any one person which exceeds the sum of \$100,000, or any claim or judgement or portions thereof, which, when totaled with all other claims or judgment paid by the CITY arising out of the same incident or occurrence, exceed the sum of \$200,000 from any and all personal injury or property damage claims. liabilities, losses or causes of action which may arise as a result of the negligence of the CITY. Any and all claims for which the CITY becomes legally liable pursuant to the provision shall be covered by the CITY'S Self Insurance Program. Prior to the commencement of this Agreement, the CITY must provide to the COUNTY proof of self-insurance pursuant to Section 768.28 Florida Statutes, for the following:
 - 1. Worker's Compensation
 - 2. Comprehensive General Liability
 - 3. Automobile liability
- 7. The term of this Agreement is for the period from October 1, 2003 to September 30, 2006. This Agreement can be terminated by either party, at any time, by thirty (30) days prior to notification in writing of the desire to terminate.
- 8. The parties agree to provide for adjustment of the fixed hourly rate, job coordinator's hourly rate, surcharge or administrative costs during the term of

the Agreement to the price equal to the current charges for these services as determined by the CITY. Adjustment of the rates paid to the CITY shall take effect on October 1st following the rate change and notice by the CITY. The COUNTY retains the option of renewing the Agreement for an additional three (3) year period with the consent of the CITY. The renewal agreement can be terminated by either party, at any time, by thirty (30) days prior to notification in writing of the desire to terminate.

- 9. The CITY agrees to bill the COUNTY for services on a weekly basis. All funds used to reimburse the CITY pursuant to this Agreement shall be provided from service charges, special assessments or general tax levies within the Palm and Hibiscus Island Security Guard Special Taxing District only.
- 10. All written notices under this Agreement will be by certified mail addressed to the following address of the COUNTY:

Miami-Dade County
Public Works Department
Special Taxing District Division
Suite 1510
111 N.W. 1st Street
Miami, Florida 33128

and the following address for the CITY:

City Manager City of Miami Beach 1700 Convention Center Drive Miami Beach, Florida 33139

- 11. Nothing expressed or implied herein is intended or shall be construed to confer upon or to give any person, firm, corporation or other entity, other than the parties hereto, any right, remedy or claim under or by reason of this Interlocal Agreement or by reason of any term, covenant, condition, promise and agreement contained herein, all of said rights, remedies and any claims whatsoever hereunder being for the sole and exclusive benefit of the parties hereto, their successors and assigns. No third party beneficiary rights are intended or implied.
- 12. The parties agree that each year, before the renewal date, the President of the Palm and Hibiscus Island Homeowners Association will certify in writing as to the acceptability and quality of service of the previous year.
- 13. This Interlocal Agreement shall be binding upon the parties hereto, their successors and assigns.

- 14. This Interlocal Agreement has been duly authorized, executed and delivered by each party hereto and constitutes a legal, valid and binding obligation of each party in accordance with its terms.
- 15. The terms of this Interlocal Agreement shall be enforceable by either party hereto in a court of competent jurisdiction by use of all available equitable and legal remedies.
- 16. This Interlocal Agreement shall be effective when approved, executed and delivered to the City Commission of the City of Miami Beach and the County Manager of Miami-Dade County.
- 17. As a condition precedent to the effectiveness of this Interlocal Agreement and any subsequent amendment thereto, this Interlocal Agreement and such amendments shall be filed with the Clerk of the Circuit Court, in and for Miami-Dade County, Florida.
- 18. This document embodies the entire agreement and understanding between the parties hereto, and any other agreements and understandings, whether oral or written, with reference to the subject matter of this Interlocal Agreement are merged herein or superseded hereby.
- 19. No alteration, change or modifications of the terms of this Interlocal Agreement shall be valid unless made in writing and signed by all parties hereto and, if deemed by either the City Attorney or the County Attorney to be a material amendment, then only upon approval by both the City Commission and the County Manager.

IN WITNESS WHEREOF, the parties having caused this Interlocal Agreement to be by their respective and duly authorized officers.

ATTEST:	MIAMI-DADE COUNTY, FLORIDA
By:	By:
Deputy Clerk	George Burgess County Manager
(SEAL)	
ATTEST:	CITY OF MIAMI BEACH
By:	By:
CITY CLERK	David Dermer MAYOR
(SEAL)	APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
	City Attorney Date

CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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A resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and adopting revised Guidelines for the City of Miami Beach Multi-Family Housing Rehabilitation Program.

Issue:

Shall the City of Miami Beach approve and adopt revised Guidelines for the City of Miami Beach Multi-Family Housing Rehabilitation Program?

Item Summary/Recommendation:

The Guidelines of the City's Multi-Family Housing Rehabilitation Program are periodically reviewed and revised to better meet the current needs of the community. Several changes are recommended that include, an option of a maximum grant of 75 percent of cost of rehabilitation, an option of affordability period of ten years, increase of maximum grant per unit to \$15,000 (from \$12,500), and updating of language that structures LRC Committee. The Mayor and City Commission adopted the current Guidelines on July 16, 1997.

Advisory Board Recommendation:

On April 19, 2002, the Loan Review Committee approved the recommended revisions to the Guidelines and requested that the Guidelines be forwarded to the Mayor and City Commission for referral to the City's Land Use and Development Committee for review. On February 10, 2003, the Land Use and Development Committee reviewed, recommended, and forwarded the revised Multi-Family Housing Rehabilitation Program Guidelines to the City Commission for approval. On November 25, 2003, the Neighborhoods Committee reviewed and forwarded the Guidelines to the City Commission for approval.

Financial Information:

Source of		Amount	Account	Approved
Funds:	1			
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	3			
	4			
Finance Dept.	Total			

	•
City Clerk's Office Legislative Tr	acking:
Vivian P. Guzman	

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Mymman	Ac.	
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AGENDA ITEM <u>C7H</u>
DATE <u>12-10-03</u>

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov

Members of the City Commission



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Date: December 10, 2003

From:

Jorge M. Gonzalez

City Manager ___

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY

OF MIAMI BEACH, FLORIDA, APPROVING AND ADOPTING REVISED GUIDELINES FOR THE CITY OF MIAMI BEACH MULTI-FAMILY HOUSING

REHABILITATION PROGRAM.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City administers the Multi-Family Housing Rehabilitation Program (Program) through the Housing and Community Development Division of the Neighborhood Services Department. Since 1981, the City has provided financial assistance to property owners through this Program resulting in the successful renovation of over 1,262 units of rental housing. The Multi-Family Housing Rehabilitation Program operates with federal funds from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) Program.

The Mayor and City Commission adopted the current Program Guidelines on July 16, 1997. The Guidelines are periodically reviewed and revised to keep them current with the needs of the community.

In the review of the Guidelines, the City Commission indicated during its January 20, 2002 meeting that it would like the administration to explore the possibility of the Program providing for a longer term of affordability. The administration has revised the Program Guidelines and incorporated the option of a longer term of affordability in response to this concern.

On April 19, 2002, the Loan Review Committee (LRC) recommended revisions to the Guidelines and requested that the Guidelines be forwarded to the Mayor and City Commission for referral to the City's Land Use and Development Committee for additional review and revision. On February 10, 2003, the Land Use and Development Committee unanimously voted to forward the revised Multi-Family Housing Rehabilitation Program Guidelines to the City Commission for approval. On November 25, 2003, the Neighborhoods Committee reviewed and forwarded the Guidelines to the City Commission for approval.

A draft of the proposed revised Guidelines for the City of Miami Beach Multi-Family Housing Rehabilitation Program is attached. The following is a summary of the significant modifications proposed to the Guidelines:

- The maximum grant that an application may receive will be seventy-five (75) percent
 of the cost of the rehabilitation. Currently, the maximum amount that an application
 may receive is fifty (50) percent of the cost of the rehabilitation. This modification
 will provide an enhanced incentive for property owners to participate in the Program.
- Applications that receive a grant greater than fifty (50) percent of the cost of the rehabilitation will be required to provide an affordability period of ten (10) years, during which fifty-one (51) percent of the units will be offered at rental rates determined by U.S. HUD. Applications that receive a grant of up to fifty (50) percent of the cost of the rehabilitation will continue to be required to provide an affordability period of five (5) years. This modification will allow a longer affordability period as suggested by the City Commission and provide additional years of affordable housing to the community.
- The maximum amount that may be provided for a grant will be \$15,000 per unit with a cap of twenty-five (25) percent of the appraised value of the building. The current maximum is \$12,500 per unit. This modification was recommended by the City's Planning Department to facilitate density reduction under the Program. The previous Program Guidelines tended to induce reconfiguration of buildings yielding higher density.
- The Program Guidelines include a section on the Loan Review Committee, Chapter V, which details the structure, procedures, and composition of the LRC. The process of appointment of the members of the Committee has been amended by City Ordinance, Division 12, Sec.2-166 (d), and now states: "The LRC shall consist of seven voting members, who shall be direct appointments by the mayor and city commissioners." Previously, the members of the Committee were appointed by the Mayor and City Commission instead of by direct appointment by each member of the City Commission. This modification incorporates the revised language from the City Ordinance into the Program Guidelines.

The administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, approve and adopt revised Guidelines for the City of Miami Beach Multi-Family Housing Rehabilitation Program.

JMO/ROM/VG/MAS/JR/MDC/SKC
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RESOLUTION NUMBER	
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A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND ADOPTING REVISED GUIDELINES FOR THE CITY OF MIAMI BEACH MULTI-FAMILY HOUSING REHABILITATION PROGRAM.

WHEREAS, on September 27, 1995, the City Commission approved revised Guidelines for the Multi-Family Housing Rehabilitation Program by Resolution Number 95-21728; and

WHEREAS, on July 16, 1997, the City Commission approved the current Guidelines for the Multi-Family Housing Rehabilitation Program by Resolution Number 97-22483; and

WHEREAS, on April 19, 2002, the Loan Review Committee recommended revisions to the current Guidelines, and that the revised Guidelines be forwarded to the Mayor and City Commission for referral to the City's Land Use and Development Committee for review and revision; and

WHEREAS, on February 10, 2003, the City's Land Use and Development Committee reviewed, recommended, and forwarded the revised Multi-Family Housing Rehabilitation Program Guidelines to the City Commission for approval; and

WHEREAS, on November 25, 2003, the Neighborhoods Committee reviewed and forwarded the Guidelines to the City Commission for approval; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the revised Guidelines for the City Of Miami Beach Multi-Family Housing Rehabilitation Program are hereby approved and adopted.

PASSED AND ADOPT	ED THIS	DAY OF	, 2003.
ATTEST:			
CITY CLERK		MAYOR	

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney Date

CITY OF MIAMI BEACH

Multi-Family Housing Rehabilitation Program Guidelines



Adopted by THE MAYOR AND CITY COMMISSION On December 10, 2003

For Information Contact: Housing and Community Development Division 1700 Convention Center Drive Miami Beach, FL 33139 Ph: (305) 673-7260 FAX: 673-7772

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INTRODUCTION

The City of Miami Beach is an entitlement recipient of federal Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD). Using these monies, the City provides funds for physical and capital improvements, economic development initiatives, park and recreation improvements and activities, social/public services, and affordable housing initiatives.

Since 1982 the City's Multi-Family Housing Rehabilitation (MFHR) Program, funded through the Community Development Block Grant and administered by the Housing and Community Development Division (HCDD), has provided financial assistance to property owners to encourage them to upgrade the existing rental housing stock in Miami Beach. These funds are provided in one of two ways: either by providing a matching grant for the cost of the rehabilitation, or alternatively by subsidizing the interest on a bank loan to reduce the market interest rate down to a six percent (6%) rate.

To date, more than 56 buildings containing 1,295 rental units have been, or are currently being renovated. Federal funds in the amount of 7.75 million dollars have been invested, leveraging 23.1 million dollars of private funds (a leverage ratio of 3:1).

Since the program previously was designed primarily as an economic development tool in the early years, they focused on vacant, boarded-up structures and excluded any building that was occupied. Currently, there are few vacant buildings left in the City. Most of the properties eligible for rehabilitation now are partly or fully occupied.

According to the 2000 U.S. Census, there are 59,723 housing units in Miami Beach, of which 46,194 are occupied. Of these occupied units, 63 percent are occupied by renters. Additionally, more than 59 percent of the households in Miami Beach are classified as low/moderate income, earning at or below 80 percent of the median income of Miami-Dade County. Furthermore, the Consolidated Plan adopted by the Miami Beach City Commission on July 1, 1998, estimates that 70 percent of households are renters. The national average is 33.8 percent renters (2000 Census). Thus, the long-term objectives contained in the City's Five Year Consolidated Plan are "to increase the availability of affordably rental housing" and to "increase the number of larger rental housing units."

The City has determined that the Guidelines for the Multi-Family Housing Rehabilitation Program need modification to reflect current trends within the City. Thus, the HCDD and the City's Loan Review Committee (LRC) have worked together to make the needed revisions to these Guidelines.

These Guidelines are subject to change. In the event of any conflict between the Guidelines and any federal law or regulation, the federal law or regulation will prevail.

CHAPTER I

Section i

General Program Requirements

1. <u>Property Qualifications</u>

Any property to be considered for assistance by the City under the Matching Grant Program or the Interest Subsidy Program must be located within the City limits of Miami Beach, and preferably should be located within one of the designated Community Development Target Areas. In addition, the property will be required to meet any additional requirements set by the City.

The Community Development Target Areas are described as follows:

- a. North Shore/Normandy Isle Target Area The area of the City limited on the north by 87th Terrace; on the west by Byron Avenue south to 85th Street, then west along 85th Street to Hawthorne Avenue; and south along Hawthorne Avenue to 77th Street, then east on 77th Street to Dickens Avenue and south along Dickens Avenue to Indian Creek Drive and south along Indian Creek Drive to 67th Street on the west; 67th Street east to Collins Avenue, north on Collins Avenue to 71st Street, East on 71st Street to the Atlantic Ocean. In addition, the area also includes Normandy Isle south of the Normandy Waterway, but excluding the portion enclosed by Trouville Esplanade, Bay Drive, Rue Notre Dame and the Normandy Waterway.
- b. Flamingo Target Area: The area of the City limited on the north by 41st Street, from the Atlantic Ocean, west to Pine Tree Drive; then south along Pine Tree Drive to 34th Street, west along 34th Street to Sheridan Avenue, then south along Sheridan Avenue to its conjunction with Pine Tree Drive and continuing south along Pine Tree Drive to Dade Boulevard, west along Dade Boulevard to Biscayne Bay; then south along the shoreline of Biscayne Bay to Government Cut on the south; east along Government Cut to the Atlantic Ocean on the east; then north along the Atlantic Ocean to 41st Street. In addition, the area also includes the part of Census Tract 40 bounded on the north and west by 41st Street (Arthur Godfrey Road) and on the east and south by the Biscayne Waterway Canal and continuing along the shoreline of Biscayne Bay to the Julia Tuttle Causeway.

The proposed rehabilitation of properties located outside the Target Areas will be subject to special environmental site review and clearance under the rules of HUD.

In order to be considered for participation in one of the programs a property must contain, or the applicant must propose, that after rehabilitation, the property will contain a minimum of four (4) living units, each with a minimum of 400 square feet.

If the proposed project is a mixed-use property, containing both residential and commercial uses, any assistance provided under these Guidelines can be utilized only for rehabilitation of the residential portion. After rehabilitation, the residential portion of such mixed-use property must be used only for rental housing. At least fifty-one percent (51%) of the units in the property can be rented only to low-and-moderate income persons at affordable rents (as defined in Chapter VII). This requirement applies for a five (5) or ten (10) year period after the date of issuance of a Final Certificate of Occupancy, or Certificate of Completion, as applicable.

2. Application Review

- a. Based on the information contained in the application, the City's Housing and Community Development Division (HCDD) shall make a determination as to whether or not the applicant and the property are eligible for participation under either the Matching Grant or the Interest Subsidy Program, as set forth in these Guidelines.
- b. The application will then be reviewed by the City's Loan Review Committee (LRC) and the amount of funds required will be estimated by the HCDD, based on the preliminary project cost estimate, and subject to the limits defined elsewhere in these Guidelines. If the application is recommended by the LRC, it will then be submitted to the Mayor and City Commission for consideration. If approved by the Mayor and City Commission, and upon compliance with and review by the HCDD of design requirements, drawings, specifications, and other applicable documents and requirements, an agreement will be executed between the City and the Applicant.
- c. Only those applications that have been reviewed and recommended by the LRC, and approved by the Mayor and City Commission, shall be eligible for funding under the City's Programs.
- 3. Minimum and Maximum Award Amounts In order to qualify for funding hereunder, the minimum total rehabilitation cost estimate amount must be at least \$3,000 per dwelling unit, and not less than \$30,000 in the aggregate for all dwelling units in the project. The maximum amount that may be approved for a matching grant is \$15,000 per unit with a cap of twenty five percent (25%) of the appraised value of the building.

These maximum limits are based on the number of legal units prior to the rehabilitation, as determined from the records of the City's Building Services Division. The actual amount of grant or subsidy funds awarded is subject to the discretion of the LRC, within the limits set by these Guidelines, and subject to the funding available for the Program.

4. Affordability Period – Rehabilitations that receive a match from the City that is equal to or less than fifty (50) percent of the value of the rehabilitation are obligated to a five (5) year affordability period. Rehabilitations that receive a match from the City of 51 to 75 percent of the value of the rehabilitation are obligated to a ten (10) year affordability period.

Section ii Application for Funding

1. Application Process

An application for rehabilitation assistance must include four (4) copies of each of the following:

- a. Completed application form, including all information requested therein.
- b. Proof of ownership (copy of a deed or other acceptable proof of ownership of the property acceptable to the City, or a contract of sale, however review of the application by the Mayor and City Commission may not take place until applicant obtains fee simple title to the property.

- c. Organizational documents and certificate of good standing (if other than individual ownership). Including but not limited to: Articles of Incorporation, partnership agreements, Certificate of Incorporation, or Certificate of Partnership
- d. Legal description of the property.
- e. Description of proposed rehabilitation work A written description of the rehabilitation work intended to be done to renovate the property, identifying the deficiencies to be corrected.
- f. An itemized cost estimate, prepared by a licensed architect or engineer, showing the estimated construction cost for the work to be performed, which is based on the scope of work and technical specifications contained in the work write-up.
- g. Plans drawn to scale, of the proposed project, including: a site plan, floor plans, elevations, specifications and a certified survey.
- h. Photographs of the property, including exterior shots of all sides of the building and interior shots of the units, showing the need for work to be performed and the specific areas to be improved.
- i. If the property is occupied at the time the application is submitted the applicant must submit a tenant roll. Additionally, the applicant must submit for each unit, the names of tenants, terms of the current lease, length of time in residence, rent currently paid, with an indication as to whether utilities are included, family size, family income of each tenant, and any other information determined necessary by the HCDD to assess the need for temporary relocation.
- j. An itemized list prepared by the City's Code Compliance Section of all outstanding code violation citations issued against the property, as well as documentation of the amount and reason for assessment of any liens or charges against the property by the Special Master.
- k. If the property was constructed more than fifty (50) years ago, then written approval of the proposed rehabilitation plans and specifications will be required from the State of Florida Historic Preservation Officer (SHPO). For this purpose, the applicant or his architect or engineer will arrange to submit working drawings, photographs, certification forms, and any other information determined necessary by the SHPO, in connection with the required approval.
- I. A non-refundable application fee of \$250. (A request for waiver of this fee will be considered from qualified not-for-profit applicants.)

2. Review of Applications by the City

The HCDD will review the application documents and make an initial determination as to whether or not the applicant and the property are eligible for one of the programs set forth in these Guidelines. The application documents will also be sent to the City's Planning and Zoning Director, Chief Building Official, Code Compliance Supervisor and ADA Coordinator for review and comment.

If eligible, the application will then be reviewed by the LRC. Only applications that have been reviewed and recommended by the LRC will be presented to the Mayor and Commission for approval. If the City Commission approves the application

and funding agreement, the HCDD will issue a funding commitment, and a reservation of funds will be made for the project.

The funding agreement shall be in such form as may be recommended by the City Attorney. However, before an agreement is executed by the Mayor and City Clerk, the HCDD must receive and approve the following:

- a. If the property was constructed more than fifty (50) years ago, then written approval of the proposed rehabilitation plans and specifications will be required from the State of Florida Historic Preservation Officer (SHPO). For this purpose, the applicant or his architect or engineer will arrange to submit working drawings, photographs, certification forms, and any other information determined necessary by the SHPO, in connection with the required approval.
- b. A copy of final plans and specifications for the rehabilitation of the project, approved by the City's Building Department, which include proof of having obtained all variances required, and compliance with all local laws, codes and standards. Plans must also comply with the requirements of the City's Planning and Zoning Department, and the City's ADA Coordinator.
- c. Building permits must be obtained, from the City's Building Department, as required by applicable City Ordinance. Also, any other necessary permits and applicable approvals from any other governmental authorities must be obtained.
- d. A copy of an executed construction contract entered into by the applicant and a licensed General Contractor, which includes the following: (1) Roles and responsibilities of all parties; (2) Construction schedule, including commencement and completion dates; (3) Contract price; (4) Scope of work; (5) Provisions for inspections and payments to the contractor for the work completed; (6) Provisions for a holdback of funds; (7) Change order procedures; (8) Procedures for resolving disputes; (9) References to any work which will be performed under warranty (including the terms and conditions of such warranties); (10) All essential construction documents, such as the work write-up and technical specifications; and (11) Reference to all applicable federal regulations and standards.
- e. Evidence, satisfactory to the City's Risk Manager, of proper insurance coverage.
- f. A cost breakdown, to include direct and indirect costs of the proposed work. If requested, the applicant must provide the HCDD with a structural report of the building prepared by a Professional Engineer, along with a signed statement that the final cost estimate includes the costs for the performance of any necessary structural repairs to the building, as well as repairs to correct all open Housing Code Violations.
- g. Proof that the property has been inspected by the City for building/code/fire violations.
- h. Evidence that the building's roof is in weather-tight condition and that the building is free of live infestation of termites. If such evidence cannot be provided, the applicant must assure that the items will be corrected as part of the rehabilitation project.
- i. The applicant must provide assurances that it is not delinquent in its legal and financial obligations and/or payments on the property with the City.

- j. The applicant will be responsible for the costs of recording the agreement and related documents with the Clerk of the County Court.
- k. Any other requirements determined necessary by the City.

Section iii Eligible Costs Under the Program

1. <u>General</u>

The financial assistance available under these Program is designed to assist the renovation of multi-family buildings that need to be brought into compliance with applicable codes and ordinances, rules and requirements, including, but not limited to, HUD Housing Quality Standards, the South Florida Building Code, and the City of Miami Beach housing codes and ordinances.

2. <u>Eligible Costs</u>

The eligible uses of funds under the Programs are the following:

- a. <u>Construction</u> Actual cost of rehabilitating housing, including labor and materials necessary to meet the requirements of the South Florida Building Code, the City of Miami Beach Building Codes, and to meet the HUD Housing Quality Standards.
 - (1) <u>Current or Incipient Violations</u> Improvements to correct violations or conditions which may, in the opinion of the City, develop into hazardous conditions or code violations.
 - (2) <u>Good and Readily Maintainable Condition</u> Improvements necessary to put the property and facilities in a condition which requires a minimal amount of maintenance, and when appropriate, improvements which conserve energy.
 - (3) <u>General Property Improvements</u> Improvements which are in addition to those required by applicable codes and ordinances, but which are incidental to the repairs being done to remedy code violations. These improvements may be considered appropriate, provided they are economically practical and in the public interest.
- b. <u>Architectural</u> Reasonable fees paid for professional services in preparing work write-ups, cost estimates, working drawings, specifications, and in performing supervision, cost certification, and other designated tasks.
- c. <u>Permit Fees</u> Those fees paid to the City's Building Services Division for permits necessary to undertake the work outlined in the application.
- d. Appraisal Fees If required by the City.
- e. <u>Contingency</u> An amount not to exceed ten percent (10%) may be included in the cost estimate for any unforeseen but eligible construction costs.
- f. Temporary Relocation Fifty percent (50%) of "eligible" expenses associated with relocating existing tenants to temporary lodging and subsequently returning them to the property upon completion of the project, as well as "eligible" increases in expense levels incurred by the tenants

during the period of temporary displacement. "Eligible" expenses will be determined in accordance with the provisions of Handbook 1378: "Tenant Assistance, Relocation and Real Property Acquisition", issued by HUD, as amended.

Note: In the event it is found necessary to permanently relocate any tenant, the full cost of such permanent relocation shall be borne by the property owner.

Ineligible Costs

The following costs or expenses are not eligible uses of funds under the Programs:

- a. Refinancing of existing mortgages.
- b. Purchase of the property.
- c. New construction.
- d. Purchase, installation or repair of furnishings.
- e. Payment of delinquent taxes, utility bills, fines, insurance premiums, deductibles or other similar expenses. The applicant is responsible for bringing these payments current and satisfying in full any liens, charges or assessments against the property, prior to submission of the application to the City Commission.

Section iv Terms and Conditions of the Program

The applicant shall agree to abide by all applicable City, State and Federal laws and regulations in regard to the Programs, including, but not limited to, the following terms and conditions:

- a. Work Write-ups The Applicant will submit clearly written, well-organized work write-ups, which precisely define the scope of the rehabilitation work to be undertaken. The project's scope of work and technical specifications should be included or incorporated by reference in the work write-up.
- b. <u>Cost Estimates for Work Specified</u> The Applicant must provide to the City an estimate of reasonable project costs, prepared by a licensed architect or engineer, and based on the scope of work and technical specifications contained in the work write-up.
- c. Contractor Selection The applicant may select his/her own contractor and does not have to use formal competitive bidding procedures. However, the applicant must secure written estimates from a minimum of three (3) qualified eligible contractors. The estimates must be based on work write-ups as described above. The applicant must provide the City with copies of the contractor's estimates and all work write-ups for the City's review. The City's Building Official will prepare an estimate of the cost of the work as described in the work write-up, and shall review the estimates provided by the selected contractor for reasonableness of cost. The contractors' bid that is selected cannot exceed the City's estimate by more than 10 percent. Contracts must specify a completion date within a reasonable period of time.
- d. <u>Ineligible Contractors</u> The applicant may not award any contract for rehabilitation work to be paid for in whole or in part with federal grant funds

to any contractor or sub-contractor who, at the time of contract execution, is ineligible under the provisions of any applicable regulations issued by the Secretary of Labor or the federal government to receive such award. The City will confirm whether the contractor is included in the list of ineligible firms.

- e. <u>Lead-Based Paint Requirements</u> The use of lead-based paint is prohibited. Federal regulations require that, in the event lead-based paint is found in a property assisted under the Programs, the applicant at his/her expense must undertake appropriate testing and abatement procedures.
- f. Federal Labor Standards All laborers must be paid wages that are not less than those contained in the official wage determination of the Secretary of Labor for each classification of work (Davis-Bacon Act). Any property containing eight (8) or more units under the Community Development Block Grant Program (CDBG) must comply with all Federal Labor Standards provisions. A pre-construction conference must be held by the City with the contractor, all sub-contractors, and the applicant in order to address the extent of the work to be performed, the schedule, special conditions, labor standards provisions and any specific concerns or questions any of the parties may have.
- Gompletion of Work The applicant will also assure that the rehabilitation work will be carried out promptly and efficiently through a written contract let with the concurrence of the City, and completed within a specified time as established by the architect and/or engineer and the City. Failure to pursue the project diligently may cause a default hereunder. In the event of construction cost overruns, any additional funds needed to complete the rehabilitation must be provided by the applicant.
- h. Benefit to Low and Moderate Income Persons For projects funded with CDBG funds, the following restrictions shall apply: fifty-one percent (51%) of the units; after rehabilitation, can be rented only to low and moderate income persons who earn at or below 80 percent of the Area Median Income (AMI), at affordable rents, as defined in Chapter VI. This requirement applies for a period of five (5) or ten (10) years after the date of issuance of a Final Certificate of Occupancy or Certificate of Completion, as applicable.

For projects funded with HOME funds, the currently applicable rules of the HOME Investment Partnerships Program Final Rule shall apply. The number of units to be assisted with HOME funds shall be determined by the LRC. These units will be clearly identified in an addendum to the Agreement between the Applicant and the City, and shall contain a proportionate representation of unit sizes and types to that of the project as a whole. The rental rates charged and the tenant income requirements for these HOME units shall be those permitted under the applicable rules of the HOME Program. These requirements, collectively called the "affordability requirements" shall apply for that period of years determined by the level of investment in the project, as defined in the HOME Rules, but in no event less than a five (5) or ten (10) year period after the date of issuance of a Final Certificate of Occupancy or Certificate of Completion, as applicable.

i. Transfer of the Property - If the property is sold, transferred or converted to condominium use, within the five (5) or ten (10) year period of affordability as defined above, following the issuance of a Final Certificate of Occupancy or Certificate of Completion, the full amount of the funds

awarded by the City as a matching grant or as an interest subsidy plus accrued interest, at a rate of Prime plus 1.25 percent, will immediately become due and payable to the City upon demand. The City may, at its option, permit such sale or transfer, provided that the prospective purchaser satisfies the City that the units will be maintained under the same terms and conditions for the full period as specified in the original agreement. The applicant shall notify the City in writing of his/her intention to transfer the property and shall permit the City to review all applicable documents in order to ensure compliance with this requirement.

The prospective purchaser of the property must execute an agreement with the City assuming the terms and conditions of the City's Agreement with the original applicant and containing such other terms and conditions as the City may require.

- Reporting Funding recipients under these Programs must submit to HCDD annual reports regarding the property and its occupants, detailing family size and income levels in form and substance acceptable to the City. Such reports shall be due in acceptable form, within ten (10) business days of the following dates: 90 days after issuance of a final Certificate of Completion, or Certificate of Occupancy, as applicable. By October 30th of each year, covering the 12-month period ended September 30. The reports shall be submitted through the period of affordability provided in the agreement between the applicant and the City, and through September 30 of the fiscal year that includes the final month of the affordability period. If such reports are more than ten (10) business days late, applicant shall be subject to a penalty charge of \$250, and an additional \$10 per day charge thereafter for each day the report is more than ten (10) business days late.
- k. Access to Property and Records Designated personnel of the City and HUD shall have access to the property and shall have the right to inspect the property, rehabilitation work, contracts, materials, equipment, payrolls and all records relative to the project.
- I. Property Inspection The applicant shall retain the services of a qualified inspector (i.e., licensed architect or professional engineer) who must periodically inspect the property during the rehabilitation project and certify to the City that the percentage of work has been completed in accordance with the approved plans and specifications. The American Institute of Architect's standards, or an approved equivalent, must be used for such certifications. The City must review and approve each request for payment by the contractor for work completed.
- m. Maintenance of the Property The dwelling units in the project shall be maintained in accordance with City code property maintenance and kept in good condition and repair and shall be fully tenantable for the duration of the term of affordability. No dwelling unit therein shall be removed or demolished. The Applicant shall complete or restore promptly and in a professional manner any dwelling unit which may be damaged or destroyed therein and shall pay when due all claims for labor performed and materials furnished to the project.
- n. <u>Insurance</u> The Applicant shall maintain hazard, liability and flood insurance on the property to be rehabilitated, as required, in accordance with the requirements of the City's Risk Manager.
- o. <u>Property Alterations</u> The Applicant shall assure that no substantial changes will be made to the exterior of the property nor to the interior of the

affordable units for at least the full term of affordability unless such proposed changes are approved in writing by the City. If any changes are made without the prior written consent of the City, the full amount of the funds supplied by the City will become due and payable immediately upon demand. This section is in no way intended to impede the Owner's responsibility to perform normal maintenance on the property.

- p. Conflict of Interest All applicants must comply with the provisions of 24 CFR Part 570.611 regarding conflicts of interest. No member of the City Administration or any City employee, public official, or member of the Federal, State, Local or County Government, who exercises any functions or responsibilities in connection with the administration of the Programs or approval of the project, may have any interest, direct or indirect, in the proceeds of the payment hereunder, or in any contract entered into by the applicant for the performance of the work paid for in whole or in part with these federal funds. HUD has the authority to grant exceptions but the regulations do not provide anyone with a right to an exception. In order to ensure that HUD-assisted rehabilitation is carried out in accordance with generally accepted construction standards and that rehabilitation funds are expended economically and efficiently, the City must be advised immediately of any and all suspected or apparent conflicts of interest.
- q. Equal Opportunity The applicant shall abide by all federal, state or local regulations relative to equal opportunity to all persons, without discrimination as to race, color, creed, religion, national origin, sex, sexual orientation, marital status, age, handicap or familial status.
- r. Affirmative Marketing Applicants are required to market all units in projects assisted under these Guidelines in accordance with the City of Miami Beach's "affirmative marketing procedures" as required by HUD.

Section v Payment Procedure

Funds Disbursement

After a funding agreement and related documents have been executed, and a Notice to Commence Construction has been issued by the City, the approved funding amount will be disbursed as follows:

<u>During the construction phase</u> - A payment may not be issued more often than once a month. The amount of each payment will be calculated as follows: 90 per cent of the value of work completed to date, less the previous payments made (as certified by the Owner's Architect using an AIA payment certification form, and confirmed by the City's Building Services Division). The City's payment will be in the same proportion to the cost of the work that has been completed since the work for which the City has previously made payment as the City's funding commitment bears to the total estimated cost of the project.

Payments under the matching grant program will be made directly to the owner. Payments under the interest subsidy program will be submitted to the holder of the interest escrow account.

The final ten percent (10%) of the City's funds shall be paid upon the completion, approval and acceptance of the rehabilitation work and related documentation by all the governmental agencies and authorities having jurisdiction over the project, and as further set forth in these Guidelines, including, but not limited to, the following:

- a. Approval and acceptance of the rehabilitation work by all the governmental agencies and authorities having jurisdiction over the project, including the issuance of a Certificate of Completion or Certificate of Occupancy, as applicable.
- b. Receipt and approval by the HCDD of all documentation for compliance with Federal Labor Standards.
- c. Receipt and approval by the HCDD of a certified statement showing that the property is free and clear of mechanic's, materialmen's or any other type of liens or obligations relating to the rehabilitation of the property.
- d. Receipt of Final Release of Liens <u>must be received</u> from the prime contractor, and all sub-contractors and materialmen.

Items (b) and (c) must be submitted by the applicant no later than thirty (30) days after the date a Final Certificate of Completion is issued.

CHAPTER II SPECIFIC PROGRAM REQUIREMENTS

Section i - Matching Grant

1. General

The Matching Grant Program provides direct grants to property owners in order to rehabilitate existing buildings and expand the supply of decent, safe, sanitary and affordable rental housing. Federal grant funds will be used for the rehabilitation of multi-family rental units and will address the problem of deteriorating housing stock in the City.

2. Grants

Grants are not loans; therefore, repayment is not required except as specified herein. Grant funds utilized for the Matching Grant Program are derived from the U.S. Department of Housing and Urban Development (HUD). Funds may be disbursed only for eligible activities in accordance with applicable federal regulations.

Section ii - Interest Subsidy

1. <u>General</u>

The City's Interest Subsidy Program is designed to provide interest subsidies, resulting in low interest rehabilitation loans to property owners of multi-family residential properties in order to upgrade their buildings, and to make available affordable rental housing units. The City, utilizing federal funds, will subsidize the interest rates on loans made by those lenders who agree to lend pursuant to these Guidelines.

2. <u>Interest Rates</u>

The interest rate on loans will be subsidized with federal funds received from HUD under the Community Development Block Grant (CDBG) Program. The subsidies are intended to result in a six percent (6%) effective annual rate on the loan to the owner. The LRC may, from time to time, revise this rate.

3. <u>City's Review of Applications</u>

Applications for participation in this program shall be submitted and evaluated in accordance with the procedures outlined herein.

If an application is recommended by the LRC to the Mayor and City Commission for their approval, the amount of interest subsidy will be estimated. This calculation will be based on the present value of the subsidy required to buy down the interest rate on the loan, which amount of money, if the application is approved, will be paid to the lender on behalf of the applicant and will be deposited in an interest-bearing escrow account with the lender. This amount will be a preliminary estimate since the applicant will likely not yet have secured the final loan terms and conditions from the lender. Only applications which have been reviewed and recommended for approval by the LRC shall be eligible for a City of Miami Beach interest subsidy.

4. <u>Lender's Commitment on the Project</u>

Applicants must apply to a lender(s) of their choice to obtain a funding commitment for the project. The lender will, if feasible, issue a commitment letter to the applicant setting forth the terms and conditions of the loan. It shall be the applicant's responsibility to bear all costs necessary to submit a loan application to any lender and to pay for any costs incurred by the applicant if the loan application is not approved by a lender and/or the City.

Reservation of City funds for approved applications will expire sixty (60) days from the date the application was approved by the LRC, unless the HCDD receives a written commitment issued by a lender, acceptable to the City as to form and content within such 60 days.

5. Final Calculation of Interest Subsidy

Upon receipt of an acceptable funding commitment from a lender, the HCDD will make a final calculation of the interest subsidy required. This calculation will be based on the present value of the subsidy required to buy down the interest rate on the loan. If the amount of the subsidy is within ten percent (10%) of the amount recommended by the LRC, no further LRC action will be required, and the proposed funding commitment and subsidy agreement will be submitted to the Mayor and City Commission for consideration.

Estimating Funding

The terms and conditions of the lender's commitment should be substantially the same as unsubsidized loans, including, but not limited to, such matters as submission requirements, prepayment privileges, owner's equity, credit rating of applicants, and escrow accounts. Loans shall bear the same interest rate as those for unsubsidized multi-family loans and, for the purpose of the Program, this rate shall be termed the "loan rate". The NSD, the lender and the applicant will determine the amount of the interest subsidy payment necessary to reduce the "loan rate" to the "subsidized rate", this amount will depend on, among other things, the term of the repayment. If this final calculated amount is within ten percent (10%) of the amount recommended by the LRC and approved by the Mayor and City Commission, no further action will be required of the LRC and the Mayor and City Commission.

If the commitment issued by the lender is insufficient to pay for the full cost of rehabilitation, then the work write-up and cost estimate may be adjusted downward. After adjustment and rehabilitation, however, the property must, at a

minimum, conform to the applicable codes and ordinances, and any indicated requirement of additional funds must be documented to the City's satisfaction and committed to the project.

7. <u>Loan Closings</u>

Lenders shall be responsible for the preparation and execution of all loan closing documents, and shall notify the applicant and the City of the date and location of the closing. All closings will meet the normal and standard requirements for loans of a similar nature, as established by the lender and/or its attorneys.

8. <u>Closing Requirements</u>

All applications approved by a lender, the LRC and the Mayor and City Commission for participation in the Program shall be closed in strict accordance with the terms and conditions of the lender's commitment, the City's commitment, the subsidy agreement and within the time specified in those documents.

9. <u>Use of the Interest Subsidy by the Lender</u>

The interest subsidy payments disbursed by the City to the lender shall be deposited in an interest bearing escrow account at one of its offices located in Miami-Dade County, Florida, at the maximum interest rate available to lender, and shall be expended as follows: on each month that the applicant is required to make payments to the lender on the permanent loan, the lender will draw from the escrow account (to the extent amounts in the escrow account are sufficient) the amount equal to the difference between the amortized monthly payment of principal and interest based on the "loan rate" and the amortized monthly payment of principal and interest based on the "subsidized rate". Any unused balance of interest subsidy funds plus unused earnings thereon shall remain in the escrow account with the lender. Lender must execute a statement that it has no security or other interest in the escrow account.

10. Additional Eligible Costs

In addition to the eligible uses of funds as described in Chapter II, Section iii when an interest subsidy is used, the following costs are also eligible:

- a. A reasonable and standard fee for loan points over and above the per annum interest rate charged by lender.
- b. Costs attributable directly to the preparation of loan instruments and any other out-of-pocket costs incidental thereto, including, but not limited to, fees for recording and filing, credit reports, photographs, surveys, inspection fees, abstracting and title reports, appraisal fees, current accruals, and legal fees.

CHAPTER III

<u>Defaults</u>

1. <u>Defaults</u>

If any applicant or funds recipient under the Program defaults under or breaches any City or federal term or condition of the Program, violates any federal, state or City law or regulation, or defaults under or breaches any term or condition of these Guidelines or of any Matching Grant or Interest Subsidy Agreement or of any loan

document relating to the property at issue, the City shall be entitled to declare a default under the Matching Grant or Interest Subsidy Agreement, these Guidelines, and the Program. The City shall be entitled to pursue all available remedies, including, but not limited to, equitable, legal and injunctive relief and the return of all monies disbursed by the City, plus interest at a rate of Prime plus 1.25 percent. Any costs incurred by the City as a result of a default, including legal fees and costs in the trial court and all appellate levels, shall be paid by the applicant or funds recipient.

2. <u>Lien Rights of the City</u>

The executed agreement between the Applicant and the City will be promptly recorded in the Public Records of Dade County, Florida and will be a lien against the property for the term of the agreement. In the event of a default under the agreement, the full amount of funds provided by the City, plus interest, will be required to be paid to the City immediately upon demand. Further, the City will be authorized to foreclose its lien on the property to recover the full amount of the money provided plus interest.

3. <u>Cancellation and Refund of Payments</u>

At its option, the City reserves the right to cancel and terminate a matching grant or interest subsidy award and request the return of the unused funds and any interest thereon to the City, by sending written, certified notice of cancellation to the applicant at his/her mailing address if: (1) for a period of 30 days after the notice to commence work is issued, the applicant shall have failed or refused to cause the commencement of physical rehabilitation work on said property; or, (2) the applicant failed or refused to complete the work within a time specified in the City's documents; or (3) the City determines that the purposes of the grant have been rendered impractical of fulfillment.

4. Default by the Applicant under the Terms and Conditions of the Loan

In the event any applicant defaults under any of the terms and conditions of a note, mortgage, or other loan document relating to the property at issue, including a loan document relating to a loan subsidized under the Interest Subsidy Program, the lender shall immediately notify the City of the default and the City may, at its sole option and discretion, within thirty (30) days of this notice, take whatever action is customarily permitted to bring the loan current.

5. <u>Unused Prepaid Interest Subsidy</u>

In the event of a default by the applicant under an Interest Subsidy Agreement, any unused balance of interest subsidy funds plus any accumulated interest earnings shall be returned immediately to the City upon demand.

6. Remedies Cumulative

The exercise or lack of exercise by the City of any remedy in response to any default does not preclude the City from exercising any other remedies.

CHAPTER IV TENANT RELOCATION

1. General

If the property is occupied at the time the application is submitted the applicant must submit a tenant roll. Additionally, the applicant must submit for each unit: tenant names, lease terms, duration of occupancy, rent currently paid, with an indication as to whether utilities are included, family size, family income, and any other information determined necessary by the HCDD to assess the need for temporary relocation.

2. Relocation Planning

In the event that temporary relocation of existing tenants is mandated by a project, the provisions of the federal Uniform Relocation Act (URA) will apply. The City's desire is to minimize displacement

If a property is occupied and temporary relocation of the tenants is required during the rehabilitation or construction, the City will reimburse up to fifty percent (50%) of "eligible" temporary relocation expenses incurred by the property owner in accordance with the budget and plan submitted as part of the application and approved by the City.

"Eligible" expenses will be determined in accordance with the provisions of Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition, issued by HUD, as amended.

The Owner must pay these expenses directly, or reimburse the tenants for their payments, and document all such expenditures carefully. Upon submittal of a detailed accounting, to the satisfaction of the City, of all such payments or reimbursements made each month for the duration of the project, the City will reimburse the owner up to 50 percent of those eligible expenses incurred for this purpose.

Note: In the event it is found necessary to permanently relocate any tenant, the full cost of such permanent relocation shall be borne by the Owner.

Assessment of Need

As part of the application package for the project, the applicant is required to prepare an estimate of the number of tenants requiring temporary relocation, the household size, and type, previous rental amount, utility expenses, and the cost of temporary lodging, as well as other increased expenses associated with such temporary relocation. The Owner should also advise the City of other property they may have which could be utilized to temporarily house the tenants. Additionally, the number and type of vacant units in the subject property must be clearly identified, to permit a determination of whether relocation of tenants within the property will be feasible, or whether it will be necessary to provide temporary lodging outside the property.

4. Relocation Plan and Budget

A budget must be submitted, estimating the anticipated relocation expenditures by month for the entire period of the project. Such a preliminary plan and a relocation budget should include, the number of tenants and the period of temporary

relocation necessary for the completion of the project, consistent with the project construction schedule submitted by the general contractor.

5. Federally Required Notices

The Owner shall agree to send, or permit the City or its agent to send, federally required notices to tenants in a timely manner. These notices include, but are not limited to: General Information Notice, Notice of Non-displacement and a Notice of Eligibility.

6. Tenant Relations

Owner shall make every effort to assure that temporary accommodations provided for tenants are decent, safe and sanitary, and that other living conditions are generally acceptable. The Owner will ensure that there is no increase in out-of-pocket housing expenses to the tenant.

7. <u>Tenants Returning After Rehabilitation</u>

Those tenants who were in residence prior rehabilitation, and who received a "Notice of Non-Displacement", who elect to return to the property upon completion of the rehabilitation work are referred to herein as "Returning Tenants".

Owner must agree to offer a unit to these Returning Tenants on the following terms, independently of the rent restrictions detailed in Chapter I, Section iv (h):

- a. Returning Tenants must be offered the same apartment previously occupied, or a unit comparable in terms of size and amenities to the unit occupied prior to the rehabilitation.
- b. Returning tenants must be offered a standard lease for at least a 12-month period at the same rent being charged before the rehabilitation.
- c. Upon expiration of the initial lease, and annually thereafter, for a period of 42 months following the completion of the rehabilitation work, rent charged the Returning Tenant may be increased in an amount deemed reasonable by the City, and only if the amount of such proposed increase can be justified, based on documented increases in the operating costs of the property.
- d. Upon expiration of the 42 month period, the rent charged to the Returning Tenant may be adjusted to the HUD Fair Market Rent, as specified in Chapter I, Section iv (h), if applicable, or to market rental rate.

CHAPTER V LOAN REVIEW COMMITTEE

Mission Statement:

The Loan Review Committee of the City of Miami Beach shall review applications for funding the rehabilitation of residential properties, under the provisions of the Multi-family Housing Rehabilitation Guidelines, such review shall include property qualifications and eligibility of applicants. The Committee shall recommend approval of qualified applications to the Mayor and City Commission.

1. General

This chapter sets forth the role and responsibilities of the City's Loan Review Committee (LRC).

2. Purpose

The loan review committee of the city shall review applications for funding the rehabilitation of residential properties, under the provisions of the Multi-Family Housing Rehabilitation Guidelines. Such review shall include property qualifications and eligibility of applicants. The committee shall recommend approval of qualified applications to the mayor and city commission.

3. Powers and Duties

The powers and duties of the committee, per guidelines for city rehabilitation programs approved by Resolution No. 95-21728, are to:

- a. Study and review proposals, applications, property qualifications and the eligibility of the applicants for funding under the community development block grant program-funded housing rehabilitation programs.
- b. If necessary, interview the applicant to obtain additional information about the proposal.
- c. Evaluate applications and determine which shall be recommended for approval to the city commission and specify timeframes and any other conditions for commitment of funds upon approval.
- d. Estimate the amount of public funding needed to assist selected proposals and provide for the reservation of funds for those projects.
- e. Review final proposals which have received commitments, and recommend their reduction if required by limitations in the availability of funds.
- f. Review and make recommendations regarding any request made to the city for an assignment or material change in any of the terms of the award agreements, after loan closing or final funding commitment.
- g. Establish site and neighborhood standards.
- h. Periodically review these guidelines, and make recommendations to the city commission for action.
- i. Provide expertise and assistance to the City's Housing and Community Development Division in preparing requests for proposals (RFP) or notices of funding availability (NOFA) or portions thereof, for the city's housing programs, including: the CDBG-funded Multi-Family Housing Rehabilitation Programs, the HOME Investment Partnerships Program (HOME), and the State Housing Initiatives Partnership (SHIP) Program.
- j. Review all eligible HOME and SHIP Program applications in accordance with criteria outlined in the applicable RFP or NOFA. These criteria may include items such as total cost, extent of leveraging, cost per unit, development schedule, previous accomplishments, periods of affordability, utilization of nonpublic funds, non-displacement, total number of units, site and neighborhood compatibility, conformity with city zoning requirements, consistency with the City's consolidated plan, etc.

4. Composition

The LRC shall consist of seven voting members, who shall be direct appointments by the Mayor and City Commissioners. The finance director or his or her designee and the City Manager or his or her designee shall serve as nonvoting, ex officio members. A member of the Community Development Advisory Committee (CDAC) shall be designated to serve as a nonvoting, ex officio member of the LRC, in order to facilitate communications between the LRC and CDAC. Voting members shall serve for a term of two (2) years.

A designated representative of the City shall act as the direct liaison between the applicant, the lender, if any, the LRC, and representatives of the City.

Applicable Fees and Time Frames

Any application submitted for the rehabilitation Programs will be subject to the following:

- a. An application fee of \$250 is due at time of submission of the application to the HCDD. A request for waiver of this fee will be considered only from notfor-profit applicants.
- b. If the applicant under the interest subsidy program is not able to proceed with construction within the specified time, and wishes to apply to the HCDD for an extension of time, a fee of \$150 is due at the time of this request. If the applicant fails to meet the program requirements during the extension period, then the City's commitment shall expire. If the applicant desires to re-apply for the funds after such expiration, a new application package and fees must be submitted to the City, and the request will be treated as a new application.

5. Applicability of City Resolutions and Regulations

All laws, ordinances, resolutions, rules and regulations enacted by the City Commission regarding membership, attendance, removal of members, voting and quorums pertaining to City Boards and Committees, as amended from time to time, shall apply to the LRC.

CHAPTER VI REQUIREMENT FOR ACCESSIBLE UNITS Alterations to Housing Facilities

Projects funded under these Guidelines are subject to the Uniform Federal Accessibility Standards (UFAS) under Section 504 of the Rehabilitation Act of 1973.

Alterations are divided into two types:

a. **Substantial** Alteration: Regulatory Citation 24 CFR 8.23(a). Alteration in which the cost of the alterations to a facility of 15 or more dwelling units equals or exceeds 75 percent of the replacement cost of the completed facility. Substantial alterations are subject to new construction accessibility requirements.

Alterations that do not meet the definition of substantial (i.e. the development altered has less than 15 units, or the costs are less than 75 percent of the replacement cost of the completed facility) are covered by "other alterations".

b. Other Alterations: Regulatory Citation 24 CFR 8.23(b). Applies to multifamily housing developments of 5 dwelling units or more (including scattered site housing). These alterations to dwelling units must, to the maximum extent feasible, be made accessible to and usable by individuals with disabilities. A minimum of 5 percent of the dwelling units in a building or development (with a minimum of one (1) unit) must be made accessible for individuals with mobility impairments. In addition to providing access to those with mobility impairments, when possible, the unit(s) shall also be pre-wired to facilitate the installation of auxiliary devices to assist the hearing and the visually impaired. Alterations to common areas such as entrances lobbies and recreation rooms must be made accessible to and usable by individuals with disabilities to the maximum extent feasible.

Exemptions:

A funding recipient is not required to make a dwelling unit or common area accessible if doing so would impose undue financial and administrative burdens on the development. The property owner or applicant, must submit cost estimates from a licensed architect or engineer, demonstrating that compliance with this requirement constitutes an undue cost burden, is technically infeasible, or otherwise impractical, to obtain an exemption to this requirement.

CHAPTER VII DEFINITIONS

1. General

In construing the provisions of these Multi-Family Housing Rehabilitation Guidelines, words and terms not defined herein shall be interpreted in accordance with their normal dictionary meaning or, in the absence thereof, customary usage. Headings are only for convenience and shall not affect the meaning of any provision of these Guidelines.

2. **Definitions**

The following are definitions of various terms as used in these Guidelines:

Accessible: A dwelling unit that is located on an accessible route and when designed, constructed or altered or adapted can be approached, entered, and used by individuals with physical disabilities.

Accessible Route: A continuous unobstructed path connecting accessible elements and spaces in a building or facility that complies with the space and reach standards prescribed by 24 CFR 8.32.

Adaptability: means the ability of certain elements of a dwelling unit, such as: kitchen counters, sinks, wash basins and grab bars, to be added to, raised, lowered or otherwise altered, to accommodate the needs of persons with or without disabilities, or to accommodate the needs of persons with different types or degrees of disability.

Affordable rent: A rental amount that does not exceed 30 percent of the income of a family whose income equals 80 percent of the area median family income or as defined and published by HUD. These rents include an allowance for utility expenses.

Alteration: means any change in a facility or its permanent fixtures or equipment. It includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, changes or rearrangements in structural parts and extraordinary repairs. Alteration does not include normal maintenance or repairs, re-roofing, interior decoration, or changes to mechanical systems.

City: The City of Miami Beach.

Codes and Órdinances: Codes, ordinances and statutes of the City and Dade County, including, but not limited to, the South Florida Building Code, the Zoning Ordinance, and the Property Maintenance Standards.

Condominium: A system of ownership of individual units in a multi-unit structure, combined with joint ownership of commonly used property (sidewalks, hallways, stairs, etc.).

Housing and Community Development Division (HCDD): The Division of the City of Miami Beach designated to administer Community Development Block Grant (CDBG) funds received from HUD and to administer these Guidelines.

HUD: The U. S. Department of Housing and Urban Development.

Lender: Lender shall be defined as an institution with one or more offices in Dade County. It may be any federal or state regulated banking institution including federal or state chartered commercial banks, mutual savings banks, savings and loan associations, municipal or publicly constituted pension trusts, insurance companies or corporations, credit unions, or other financial institutions authorized to transact business in the State of Florida and which customarily provide service or otherwise aid in the financing of mortgages located in the State of Florida, and meet the minimum capital requirements as promulgated by its respective supervisory board. For non-profit organizations, a lender shall also be any Federal, State, or County organization that provides interest baring loans for housing construction.

Loan Review Committee (LRC): A ten (10) member committee, (7 voting, 3 non-voting) appointed by the City, responsible for the review and recommendation of those applications which will be submitted to the Mayor and City Commission for consideration to receive funding under the Programs.

Low and moderate income household: A household, in which the combined income of all adults does not exceed 80 percent of the median income for the area, as determined by HUD.

Multi-Family Residential Property: A property that after rehabilitation will contain a minimum of four (4) or more residential units meeting applicable codes and standards.

Programs - The Interest Subsidy Program and the Matching Grant Program which are the City's Multi-Family Housing Rehabilitation Programs referenced in these Guidelines.

"Replacement cost of the completed facility" means the current cost of construction and equipment for a newly constructed housing facility of the size and type being altered. Construction and equipment costs do not include the cost of land, demolition, site improvements, non-dwelling facilities and administrative costs for project development activities.

"Substantial alteration": is one in which the cost of the alterations to a facility of 15 or more dwelling units (including scattered site housing) equals or exceeds 75

percent of the replacement cost of the completed facility. Substantial alterations are subject to new construction accessibility requirements. Alterations that do not meet the definition of substantial (i.e. the development altered has less than 15 units, or the costs are less than 75 percent of the replacement cost of the completed facility) are covered by "other alterations".

EXHIBIT "A" FEDERAL AND OTHER REQUIREMENTS

As the City of Miami Beach is providing this funding through Federal Community Development Block Grant and/or HOME Investment Partnerships Program funds, all parties agree to comply with the following statutes, regulations and executive orders, as they apply. These requirements are incorporated herein by reference. ADDITIONALLY, ALL PARTIES AGREE TO COMPLY WITH ALL EXISTING FEDERAL, STATE AND LOCAL LAWS, REGULATIONS AND ORDINANCES HERETO APPLICABLE, AS AMENDED. THESE REQUIREMENTS ARE INCORPORATED HEREIN REFERENCE.

1. Freedom of Information and Privacy Acts

 Freedom of Information Act (5 U.S.C. 552), and the Privacy Act of 1974 (5 U.S.C. 552a)

2. **Equal Opportunity**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and 24 CFR Part 1 Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601), as amended Executive Order 11063, as amended by Executive Order 12259 Executive Orders 11246, 11265, 12138 and 12432

- Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 170), as amended
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended
- The Age Discrimination Act of 1975 (42 U.S.C. 6101)
- The Fair Housing Amendments Act of 1988

3. **Environmental Review**

- The National Environmental Policy Act (42 U.S.C. 4321, et seq)
 The Council on Environmental Quality Regulations (40 CFR Parts 1500-1508)
- Environmental Review for the CDBG and the Housing Rehabilitation Programs (24 CFR Part 58)
- National Historic Preservation Act of 1966
- National Flood Insurance Act of 1968 as amended by the Flood Disaster Protection Act of 1973

Lead Based Paint 4.

Housing assisted with Community Development Block Grant (CDBG) Program and/or HOME Program funds are subject to the requirements of 24 CFR Part 35, as amended by and the Lead-Based Paint Poisoning Prevention Act 4888 amended by Title X of the Housing and Community Development Act of 1992. Projects assisted with CDBG and/or HOME funds may require notification to tenants, disclosure of lead-based paint information, identification of defective paint surfaces, treatment of defective surfaces, and response to children with elevated blood lead levels. On September 15, 1999, U.S. HUD issued the final rule entitled "Requirements for Notification, Evaluation and Reduction of Lead-Based Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance". This regulation sets new requirements to prevent childhood lead poisoning in housing assisted or being sold by HUD and other Federal agencies.

<u>Asbestos</u> 5.

Asbestos Regulations (40 CFR 61, Subpart M)
- U.S. Department of Labor Occupational Health and Safety (OSHA) Asbestos Regulations (29 CFR 191.1101)

6. Handicapped Accessibility

- Architectural Barriers Act of 1968 (42 U.S.C. 4151 and 24 CFR Parts 8, 9 and 41)

7. **Labor Standards**

The Davis-Bacon Act (40 U.S.C. 276a) as amended
The Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333)
Federal Labor Standards Provisions (29 CFR Part 5.5)

8. **Grant Regulations**

Community Development Block Grants (24 CFR Part 570)
 HOME Investment Partnerships Program (24 CFR Part 92)